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Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Letter dated 20 June 2000 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the "Claim of the people of Cuba against the Government of the United States for economic damage to Cuba", which was filed with the Civil and Administrative Division of the People's Provincial Court of the City of Havana on 3 January 2000 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 35.

(*Signed*) Bruno **Rodríguez Parrilla**
Ambassador
Permanent Representative

* Reissued for technical reasons.

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Annex to the letter dated 20 June 2000 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba

To the Civil and Administrative Division of the People's Provincial Court of the City of Havana

Mirna Nides Domínguez, Disney Cabrera Zayas, Tania J. Manzanares Ayala and Abel Alejandro Solá López, attorneys-at-law, on behalf of and in representation of the following social and people's organizations of the Republic of Cuba, which account for almost the entire population of the country:

Central de Trabajadores de Cuba (CTC) (Cuban Workers' Central), represented by Pedro Ross Leal, Secretary General of the organization, who is a worker and holds a degree in social sciences;

Asociación Nacional de Agricultores Pequeños (ANAP) (National Association of Small Farmers), represented by Orlando Lugo Fonte, President of the organization, who is a farmer and holds a degree in social sciences;

Federación de Mujeres Cubanas (FMC) (Cuban Women's Federation), represented by Vilma Lucila Espin Guillois, President of the organization, who is a chemical engineer;

Federación Estudiantil Universitaria (FEU) (University Students Federation), represented by Hassán Pérez Casabona, President of the organization, who is a fourth-year student in history of the University of Havana;

Federación de Estudiantes de la Enseñanza Media (FEEM) (Federation of High School Students), represented by Roberto Conde Silverio, President of the organization, who is a second-year student in the "Eduardo García Delgado" Politechnical Institute of Electronics;

Organización de Pioneros José Martí (OPJM) (José Martí Pioneers Organization), represented by Niurka Duménigo García, President of the National Directorate of the organization, who holds a degree in social communication;

Comités de Defensa de la Revolución (CDR) (Committees for the Defence of the Revolution), represented by Juan Contino Aslán, National Coordinator of the organization, who holds a degree in accounting; and

Asociación de Combatientes de la Revolución Cubana (ACRC) (Association of Combatants of the Cuban Revolution), represented by Juan José Almeida Bosque, President of the organization, who is a Commander of the Revolution.

We now come before the Tribunal and, in compliance with the relevant legal procedures, we state the following:

That we hereby bring this claim under ordinary proceedings in respect of civil liability for damages arising from wrongful acts that have affected the people of Cuba throughout the entire history of the Cuban Revolution,

against:

The Government of the United States of America, with legal domicile in the city of Washington, D.C.

This claim is based on the following:

Facts

First: For more than 40 years, the Cuban people have been subjected to a brutal policy of hostility and to all kinds of aggression on the part of the Government of the United States. Even since the triumph of the Cuban Revolution on 1 January 1959, the United States has followed a strategy that is aimed at eliminating the revolutionary process in Cuba and destroying the political, economic and social system that the Cuban people have freely constructed and developed, in the full exercise of their sovereignty and their right to self-determination.

To this end, the Government of the United States — its main leaders under nine successive Presidents, as well as members of the legislative branch, staff members and official and unofficial agents of the Government — has resorted to all kinds of political pressure, attempts at diplomatic isolation and propaganda. It has encouraged desertion and illegal emigration and engaged in espionage; it has waged economic war and carried out numerous acts of physical aggression, including subversion, terrorist activities, sabotage and biological warfare. It has encouraged armed gangs, infiltration and armed incursions against our territory, organized hundreds of assassination plots against the main leaders of the Revolution, engaged in military harassment, threats of nuclear extermination and even direct aggression by a mercenary army.

This dirty war against Cuba, which has gone on for 40 years for the express purpose of thwarting Cuba's decision to follow its own course, has been documented in the form of irrefutable evidence gathered over the years by the authorities and bodies that are responsible for Cuba's defence and security. It has been explicitly confirmed by hundreds of secret documents that have been declassified and published in the United States, some of which are attached to this complaint. An example is the so-called "Program of Covert Action Against the Castro Regime", which was devised by the CIA and approved by President Dwight Eisenhower on 17 March 1960. In it, the President of the United States personally authorized the actions undertaken and the plans proposed by the Central Intelligence Agency for the war against Cuba.

The economic war and the many types of physical aggression that have been carried out or promoted by the Government of the United States over a period of four decades have not only victimized thousands of Cubans, but have also caused enormous material losses to the country and its citizens, as well as incalculable suffering and mental anguish.

Second: For nearly 40 years, successive administrations of the Government of the United States have pursued a policy of systematic economic aggression against Cuba. This far-reaching and unrelenting policy, which is carried out at the highest

levels of the executive and legislative branches of the United States, involves the use of a vast arsenal of economic and political instruments as weapons of aggression and includes provisions that are extraterritorial in scope and are applied to third countries. The strategic — and unattained — objective of these measures is to break down the resistance of the Cuban people through hardship, shortage, sickness and hunger, and to cause them to abandon the socio-economic and political system they freely and sovereignty chose with the triumph of the Cuban Revolution. Consequently, this policy of economic aggression is not limited to a simple embargo to be applied to bilateral economic relations, but rather it constitutes outright economic war.

From the beginning, the economic war conducted in times of peace by the Government of the United States has constituted a violation of international law. During the 1990s, it has escalated to the point where the acts of war have become extraterritorial in scope, thus causing damage to the legitimate economic interests of third countries, with no regard for the existing rules of international law and the domestic legislation of numerous countries. These actions have increasingly incurred the rejection of the international community.

The main weapon of aggression in this economic war has been the application of a total economic blockade in relations between the United States and Cuba. The United States Government has made every effort to extend this blockade to Cuba's economic ties with other countries, using the financial, commercial and technological power of the strongest economy of the planet against the small Cuban economy in order to bring about its collapse. Never before in the history of the United States had such a complex and far-reaching set of laws, provisions, proclamations and regulations been devised for the purpose of strangling the economy of a small country with which the United States was not at war.

The economic blockade is not only a violation of international law and of the national sovereignty of Cuba, but it brutally violates the right of the Cuban people to life, to well-being and to development without distinction as to age, gender, race, religious belief, social situation or political ideology. The blockade has caused serious damage to the national economy and thus has caused serious and substantial harm to several generations of Cubans.

The criminal nature of the blockade is evident in the terms in which it is stated, but even more so in the way it has been implemented over nearly four decades of pressure, harassment, intimidation, blackmail and all kinds of actions designed to wear down the Cuban people and strangle their Revolution.

The mechanisms and the stated purposes of the blockade maintained by the Government of the United States against Cuba are such that it qualifies as an act of genocide. This has been proclaimed by the National Assembly of People's Power of Cuba, with a firm basis in fact and in international law. The continued genocide that has been carried out by the Government of the United States constitutes an attempted mass crime that persists at the threshold of the new millennium. The United States Government has even tried to intensify its actions, to its own shame and isolation — given that it has been condemned by everyone who has feelings and has been almost unanimously rejected by the international community — and to the pride and glory of the Cuban people, who have managed to resist it for nearly four decades.

The genocidal nature of the blockade was made clear once again last August, when the House of Representatives of the United States refused to consider the amendment submitted by a member of the United States Senate which would have permitted the sale to Cuba of food and medicine.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (II)

Third: The official imposition of the American blockade took place on 3 February 1962 when the President of the United States of America signed Executive Order No. 3447, thereby proclaiming an embargo on all trade with Cuba, authorizing the Secretary of the Treasury to take any steps and promulgate any regulations to implement the prohibition on the importation into the United States of all goods of Cuban origin and directing the Secretary of Commerce to continue to carry out and to extend the prohibition of all exports from the United States to Cuba.

However, the economic warfare had begun years earlier, virtually with the triumph of the Cuban Revolution on 1 January 1959. By the time the blockade was officially imposed, the United States Government had already carried out numerous acts of economic warfare, combined with a wide range of hostile measures and physical attacks that included direct military aggression. The economic warfare was under way from the moment of triumph of the Revolution and was used against it long before its socialist objective was declared on the eve of the mercenary invasion of the Bay of Pigs in April 1961.

As recalled in the above-mentioned proclamation by the National Assembly of People's Power on 13 September 1999, the first United States assault on the Cuban economy would take place on the very day of 1 January 1959, when many of those who had looted the public Treasury were admitted to the United States, together with the perpetrators of the most heinous crimes and abuses against the Cuban people. In a report issued on 6 February 1959, five weeks after the triumph of the Revolution, the Cuban National Bank announced that the main ringleaders of the regime overthrown by the Revolution had embezzled or seized US$ 424 million from the gold and dollar reserves that backed the Cuban peso. The spoils of this theft ended up in United States banks. Not a dime was returned to Cuba.

In February of that same year, a delegation from the Cuban National Bank travelled to the United States to make a modest request for credits in order to sustain the Cuban currency. On 12 February, the National Security Council of the United States decided to turn down the request. One week later, the United States authorities noted that the financial difficulties facing Cuba "would tax the governing abilities of any of the best leaders, at least in this hemisphere". This refusal of credit by United States bodies that had maintained stable financial relations with Cuba or had carried on business in the country without interruption until the very end of Fulgencio Batista's corrupt dictatorship, against which the United States Government had never engaged in economic warfare but with which, on the contrary, it had maintained an ongoing relationship of neocolonial exploitation, marked the beginning of the aggressive acts of economic pressure and intimidation against Cuba. It was the first real step in the economic warfare against Cuba, not seven weeks after the triumph of the Revolution.

The Cuban Government's efforts to put an end to the neocolonial status that had prevailed in Cuba until 1958, one sign of which was heavy economic dependence on the United States, met with immediate opposition from United States interests that had been the principal beneficiaries of that dependence. The Revolutionary Government's initial actions aimed at defending its sovereignty, stimulating the consumption of Cuban products, diversifying external economic relations and transforming the agrarian structure according to principles that had been legally enshrined in the Constitution of the Republic since 1940 but never implemented, such as the elimination of large landholdings and of possession of unexploited land, were nationalist and populist rather than socialist in nature. However, it was clear that the announcement of the Revolutionary Government's decision to undertake a radical transformation of Cuban society to the benefit of its people would, sooner rather than later, come into conflict with United States interests in the domination of Cuba.

As early as 21 January 1959, the first public reference to the United States Government's use of the economic weapon against Cuba was made. Among the aggressive verbal attacks on the Cuban Revolution by the press and in official United States circles as a result of the justified penalties, imposed on the war criminals of the bloody and tyrannical former regime with unanimous public support, was United States House member Wayne Hays' declaration that the United States should consider sending troops to Cuba and imposing economic sanctions, including, in particular, a reduction of the sugar quota and a trade embargo.

The Agrarian Reform Act, passed on 17 May 1959 and aimed at eliminating large estates and transforming the unjust land tenure system, led to a change from a policy of economic warfare and pressure to a direct attack on Cuba in that area. On 11 June, three weeks after the Act was passed, the United States Government, in a diplomatic note delivered to Cuba by its Ambassador in Havana, stated that "The United States recognizes that, according to international law, a State is entitled to expropriate within its jurisdiction for public purposes in the absence of contract provisions or any other agreement to the contrary; however, this right must be accompanied by the relevant obligation a State may have entered into in the sense that such expropriation shall entail the payment of prompt, adequate and effective compensation".

The conditions of compensation embodied in the words "prompt, adequate and effective" were by any interpretation an unjust, impossible requirement for a poor country which had been exploited, and pillaged for years by the very people who were now demanding compensation and which had just survived a fierce war of liberation. They were an arrogant refusal to accept the rational compensation scheme set forth in the Agrarian Reform Act itself, which provided for compensation through 20-year agrarian reform bonds at 4.5 per cent interest, funded annually under the State budget. It also provided for a personal income tax exemption for bond-holders who invested the income therefrom.

In its reply to the United States Government's diplomatic note of 11 June 1959, the Cuban Government reiterated that the Revolutionary Government, in the exercise of its sovereignty and under universally recognized treaties, conventions and covenants, had the inalienable right to take whatever measures it deemed most appropriate to promote and ensure the economic development, social progress and democratic stability of the Cuban people. Therefore, it continued, the Revolutionary

Government assumed the right to take the decisions it considered most consistent with the vital interests of the Cuban people and would reject any suggestion or proposal that cast the slightest aspersion on its dignity or national sovereignty. The Government maintained that it was not in a position to meet the terms of payment demanded in the United States note and proposed that alternative forms of tangible compensation should be negotiated. The United States authorities ignored this proposal and stuck to the impossible terms that they had set, ultimately using the Cuban reply as an excuse for embarking on their policy of economic, political and military reprisals and aggression against Cuba.

At a meeting called by the State Department on 24 June 1959, five weeks after the enactment of the Agrarian Reform Act, it was deemed that "it behooved the United States Government to take a very firm position forthwith against the law and its implementation" and that "the best way to achieve the necessary result was by economic pressure". It was suggested that Cuba should be deprived of its quota privilege in the United States sugar market, based on the belief that "the sugar industry would promptly suffer an abrupt decline, causing widespread further unemployment. The large numbers of people thus forced out of work would begin to go hungry". At that meeting, Secretary of State Christian Herter explicitly qualified these proposals as "measures of economic warfare".

On 8 July 1959, the United States Government, at the request of the Executive, agreed to grant the President broader powers to suspend foreign aid to any country that confiscated United States property without fair and immediate compensation. Although no specific State was mentioned, it was clear that this was the next step in the economic war against Cuba. United States political strategists viewed the threat to suspend aid as a weapon that would strike fear into the Cuban leaders; this was one of many errors of judgement they made regarding the Cuban Revolution.

In an official document signed on 6 April 1960, L.D. Mallory, a senior State Department official, admitted that "the majority of Cubans support Castro" and that "there is no effective political opposition"; he then declared with shameless cynicism that "the only foreseeable means of alienating internal support is through disenchantment and disaffection based on economic dissatisfaction and hardship" and that "every possible means should be undertaken promptly to weaken the economic life of Cuba"; and proposed "a line of action which makes the greatest inroads in denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government". This was, in essence, the basic platform that would support throughout the following 40 years, and still continues to support, the United States economic blockade against Cuba.

The opportunity to apply one of these potential measures soon arose. The country's oil supply depended upon three companies that controlled the importing and refining of the fuel needed for the country's functioning, namely Esso and Texaco of the United States and Shell of the United Kingdom. These transnational corporations had decided to go along with the aggression and, at the request of the United States Government, had already begun to limit imports with the purpose of cutting off the country's fuel supply entirely, if necessary, and thus paralysing the national economy. In view of this fact, the Revolutionary Government obtained a commitment from the Soviet Union, one of the world's main oil-producers at that time, to guarantee the necessary amounts of oil at reasonable prices.

This arrangement, however, frustrated the plot agreed upon between the oil companies and the United States Government and, as a result, the three companies refused to refine the Soviet crude oil in their installations. Such action was a clear violation of article 44 of the Natural Gas Act of 9 May 1938, which established that State-provided crude oil must be processed. On 28 June 1960, in response to this arrogant behaviour, the Revolutionary Government announced that it was taking over the Cuban branch of Texaco, including its refining operations; on 11 July, the measure was extended to include Esso and Shell.

A few days earlier, on 24 June, President Eisenhower had asked the United States Congress to grant him discretionary powers to slash the Cuban sugar import quota. Through this policy of aggression, the quota for the export of Cuban sugar to the United States, together with the oil manoeuvres and the change in economic relations, became weapons potentially lethal to the fledgling Cuban Revolution.

On 5 July, the United States Government declared that the oil refinery takeover and appropriation constituted further proof and confirmation of the Cuban Government's implementation of an inexorable programme of economic warfare designed to undermine Cuba's traditional trade and investment relations with the free world. This doublespeak was an attempt to transform the victim into the aggressor and was not the first, nor would it be the last, effort to manipulate public opinion in the United States and throughout the world.

The following day, the Republican Government's Council of Ministers granted the President and the Prime Minister special powers to nationalize United States industries in Cuba in anticipation of the further economic reprisals against Cuba that the United States appeared to be preparing to take.

Indeed, that very day, President Eisenhower took the first definitive step towards the economic blockade in a presidential proclamation mandating a 700,000-ton reduction in the Cuban sugar quota on the United States market, a quantity equivalent to 95 per cent of anticipated Cuban sugar exports to the United States for the remainder of 1960. With this measure, the United States Government hoped to deal the Cuban economy, and thus the Revolution, the death blow planned one year previously.

The measure suddenly cut off a portion of Cuba's primary source of export earnings and was a clear sign that the sugar quota was already being, and would soon continue to be, used as an instrument of blackmail to defeat the country's efforts to achieve independent development and break its economic dependence on the United States, in which the sugar quota played a major part.

The sugar quota decree clearly fit the definition of international crime of economic warfare, which was specifically condemned in article 19 of the Charter of the Organization of American States. However, paradoxically, it was the Government of the United States, through its Ambassador in Havana, which lodged a protest against the Nationalization Act, calling it "in its essence discriminatory, arbitrary and confiscatory" and warning that its implementation would be considered an act of economic and political warfare against the United States.

In view of the brutal acts of coercion and economic aggression by the United States Government designed to suffocate the Cuban economy and subdue the country by force, on 6 August 1960, the Cuban Government nationalized 26 large United States enterprises based in Cuba as well as the sugar mills and the electricity

and telephone companies. The measure, which was partly in response to the sugar aggression, was in accordance with national legislation and the principles of international law. Eight days later, the Government announced that it had nationalized the nickel mines in Moa, in Oriente province, and, on 17 September, it announced that it had nationalized the three largest United States banks operating in Cuba.

The Cuban nationalization laws, which affected United States interests, made provision for compensation for the value of the confiscated property and provided for means of ensuring such compensation through income from additional sugar exports to the United States market, the only possible option given the country's economic situation at that time. The United States Government refused to resolve the matter through negotiations, as repeatedly suggested by the Cuban authorities. Had the United States Government accepted Cuba's proposals, as other countries did, the United States nationals affected would already have received appropriate compensation. Instead, the blockade and economic war against Cuba prevented the affected United States nationals from obtaining satisfaction.

The series of strikes and counter-strikes sparked off by the reduction in the sugar quota took a new turn on 29 September when the United States Government notified the Cuban Government that it was shutting down the operations of the United States Government-owned nickel plant at Nicaro in Oriente province. The following day, the State Department announced that it had advised United States citizens not to travel to Cuba, unless they had pressing reasons for doing so.

That same month, the United States Government put pressure on private United States banking institutions to cancel some of the loans they had previously granted to Cuban banks. On 13 October, the Revolutionary Government announced that it was nationalizing 382 large companies in the country, including all banks. The Urban Reform Act, under which all tenants could become the owners of their rental dwellings, was passed the following day.

The second definitive step towards the blockade was the State Department's announcement on 19 October 1960, that, in order to defend the legitimate economic interests of the United States against the discriminatory, aggressive and insulting economic policy of the Castro regime, the United States Government would immediately put into effect general control measures aimed at banning United States exports to Cuba, with the exception of non-subsidized food, medicine and medical equipment. This trade embargo which, inter alia, deprived the Cuban industry and transport sectors in the short term of spare parts that were crucial to their ability to function, was meant, together with the drastic reduction in the sugar quota, to be the other fatal blow to the national economy and the Revolution.

The clumsy reasoning behind this trade embargo measure is worth commenting on. Apart from the dishonest attempt to portray Cuba once again as the aggressor, nothing could be more ridiculous than a superpower such as the United States claiming that it was being compelled to defend its economy against the alleged machinations of so small and underdeveloped a country as Cuba, whose exports to the United States market, while significant for the Cuban economy, represented but a tiny proportion of the total imports of the United States economy. One might wonder, moreover, whether it was not totally absurd to defend economic interests by banning exports, the maintenance and development of which, on the contrary, benefited those interests.

Much to the surprise of the United States political strategists, Cuba did not collapse as a result of the cut in the sugar quota and the trade embargo. On the contrary, in late 1960, the country showed signs of having absorbed the two blows and the Cuban people appeared to have strengthened their resolve to stand firm and to support the Revolution. In view of that, President Eisenhower cancelled the Cuban sugar quota on the United States market for the first quarter of 1961. The timing of the announcement was significant. At that time, the United States Central Intelligence Agency had already made extensive preparations for a direct military attack, which was planned for April 1961 and which, according to United States Government strategists, would put paid to the revolutionary Government in Cuba.

On 3 January 1961, less than three weeks before the expiration of President Eisenhower's mandate, the United States Government announced that it had broken off its diplomatic and consular relations with Cuba. On 16 January, it was announced in Washington that, henceforth, "United States citizens desiring to go to Cuba must until further notice obtain passports specifically endorsed by the State Department as valid for such travel." It was the first measure in the unilateral restriction of travel to Cuba.

The new administration of President John F. Kennedy took office on 20 January. On 2 March, the United States Government announced that it was considering the application, in the case of Cuba, of the so-called Trading with the Enemy Act. On 31 March, Kennedy signed a presidential order that officially cancelled the Cuban sugar quota of some 3 million tons for 1961 on the United States market.

On 12 April, at the very press conference where President Kennedy stated that there would be no armed intervention whatsoever in Cuba, even as ships carrying the invading force were sailing in Caribbean waters towards Cuba, also declared that the United States did not intend to take any action with respect to property or other economic interests that United States citizens previously had in Cuba other than formal and normal negotiations with a free and independent Cuba. It was clear that Kennedy believed that it would take a week at most to overthrow the revolution and that one of the first decisions of the junta that would be installed by the United States, the members of which were at the time virtually being held prisoners by the CIA in a remote part of Florida, would be to proclaim the immediate restitution of the property nationalized by the revolutionary Government.

During the months following the defeat of the Bay of Pigs armed invasion the United States Government focused its attention on two main areas of aggression against our country: fomenting subversion and attempting to isolate Cuba politically within the inter-American system in order to create the conditions for fresh military aggression. It was during that phase that plans for Operation Mongoose, a set of dirty war operations, were hatched and implemented. We will come back to this later. In the economic sphere, the bases for the war against Cuba had already been laid with the trade embargo measures and the cancellation of the sugar quota. On 11 December 1961, President Kennedy decreed the outright suspension of the sugar quota on the United States market for the first half of 1962.

At that stage, the measures on the embargo against our country had been included in the United States Foreign Assistance Act of 1961, section 620 (a) of which provides that: "No assistance shall be extended under this Act to the present Government of Cuba." As a means of giving effect to the policy expressed in the

preceding clause, the President is authorized to establish and maintain "a total embargo upon all trade between the United States and Cuba."

In late January 1962, the Eighth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States marked the culmination of the manoeuvres to politically isolate Cuba within the hemisphere. On 25 January, President Osvaldo Dorticós, head of the Cuban delegation, stated in a forceful and well-argued intervention that: "We would have liked to and we still want to increase our trade relations with the United States of America on a rational basis. But it was the United States of America that took the unilateral decision, as a measure of economic aggression, to restrict and sever our trade relations, by cancelling its purchases of our products in order to plunge Cuba into poverty and to defeat the revolution."

Following intense pressure and negotiations, the United States delegation secured the approval, at Punta del Este, of a series of resolutions that led to Cuba's suspension from OAS and the breaking of bilateral diplomatic relations with the majority of Latin American countries. Soon thereafter, on 3 February 1962, President Kennedy decreed the total embargo on trade between the United States and Cuba. That was the official declaration of the blockade.

The official statement issued by the White House in that regard stressed that the embargo would deprive the Government of Cuba of the hard currency it had been earning from the sale of its goods in the United States. It also noted, with the usual hypocrisy of official United States statements concerning Cuba, that, for humanitarian reasons, the exports of certain foods, medicines and other medical supplies from the United States to Cuba would be exempt from the embargo.

On 24 March, the United States Department of the Treasury announced the ban on imports into the United States of all goods made from or containing Cuban inputs, even if manufactured in other countries. In May, the United States Government unilaterally cancelled the most-favoured-nation clause in the case of Cuba, in flagrant violation of the rules of the General Agreement on Tariffs and Trade (GATT), to which both countries were signatories.

A few months thereafter, in September, it came to light that Secretary of State Dean Rusk had been contacting the European Governments in an effort to get the United States' NATO allies to ensure that ships registered in their countries did not transport goods to Cuba. At the same time, at the behest of the State Department, United States maritime unions began to deny port facilities to any ships that had transported goods to Cuba. The sale of agricultural produce to such countries under the so-called Food for Peace programme was also banned.

The "embargo" had just been revealed for what it really was and has been since then: a total economic blockade.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (III)

Fourth: The measures applied by the Government of Cuba in response to the declaration of economic war implicit in the attempts to paralyse the country by depriving it of its fuel supply and, through the sugar quota, robbing it of its chief

source of export revenue, and the mainstay of its agro-industry, the core of its national economy, were sovereign acts of State, in conformity with the national legal order and various international covenants, resolutions of the General Assembly of the United Nations and other internationally recognized instruments in force in the early 1960s. Subsequently, other similar texts would confirm the validity of the sovereign acts of the Cuban State.

On 21 December 1952, during its seventh session, the General Assembly adopted a special resolution stressing that "the right of peoples freely to use and exploit their natural wealth and resources is inherent in their sovereignty and is in accordance with the purposes and principles of the Charter of the United Nations".

Both article 1 of the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 and article 1 of the International Covenant on Civil and Political Rights provide that:

> "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
>
> "All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
>
> "The States Parties to the present Covenant [...] shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations."

According to General Assembly resolution 2625 (XXV) of October 1970, "no State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind."

Furthermore, the Charter of Economic Rights and Duties of States, adopted by the General Assembly on 12 December 1974 in its resolution 3281 (XXIX), establishes the right of each State to engage in international trade and other forms of economic cooperation, including the right to associate for economic purposes, irrespective of any differences in political, economic and social systems. Article 5 goes on to state that "all States have the duty to respect that right by refraining from applying economic and political measures that would limit it".

Despite the violent economic aggression that the United States Government was engaging in at that time, Act No. 851 of 6 July 1960, which authorized the nationalization of United States companies, provided for compensation for nationalized assets. That Act provided for payment for such assets with bonds of the Republic, to be redeemed not less than 30 years thereafter and bearing no less than 2 per cent interest.

The Cuban nationalization process also applied to nationals of other countries; their Governments took a respectful position towards the sovereign decision by Cuba and initiated negotiations for the compensation of their citizens. Agreements were concluded with France, Switzerland, Great Britain, Canada and Spain, and time frames were established for their implementation in accordance with international practice in such cases. All those affected were compensated, and the agreement with Spain is being implemented.

The United States Government arrogantly rejected the compensation which Cuba offered in its case as well. Far from agreeing to reasonable negotiations, it stepped up its aggression and thus, in October 1960, the President of the United States declared a ban on all exports to Cuba, with the exception of medicines and unsubsidized food, although, in practice, they would not be exported to Cuba either and, in 1964, their export would be officially banned. This latest aggression, as we have already said, was designed to paralyse industry, transport and the overall technological base of the economy, which was overwhelmingly of United States origin and hence highly dependent on imports of spare parts and inputs from that country.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (IV)

Fifth: The above-mentioned provisions of the blockade, applied since 1962, banning the entry into the United States of any product manufactured in a third country whose processing involved, in whole or in part, inputs of Cuban origin, have prejudiced Cuba's opportunities to export such products as nickel to third countries. Shipments of stainless steel processed with Cuban nickel and exported to the United States by third countries have been turned back and even seized. Such provisions have hampered the functioning of the Cuban economy since 1962 and constituted extraterritorial interference in the economic interests of third countries.

Moreover, the decision of the United States Government in September 1962 to blacklist all ships that trade with Cuba, irrespective of the country of registry, and to ban their entry into United States ports, was not only a flagrant violation of international maritime law but also an aggressive measure whose direct aim was to undermine Cuba's external economic relations in the area of maritime transport, which had to be adapted when trade shifted to long-distance markets with the close of the nearby United States market. Such aggression occasioned huge additional freight expenditures in connection with maritime transport.

This act prevented Cuba from carrying on its maritime transport through regular international shipping lines the way any other country would do. Cargo could be transported only on vessels chartered on the international market at a premium because of charter fees; these vessels were often in poor technical condition, since only in such circumstances were the parties willing to be barred from trade with the United States. This inflated shipping costs, not only because of the high charter fees but also because of high insurance premiums on the cargo, reflecting the higher risks of loss and damage due to the age and technical characteristics of such vessels.

In July 1963, the so-called Cuban Assets Control Regulations entered into force in the United States; it prohibited all transactions related to Cuba, froze assets held by the Cuban State in the United States and prohibited United States citizens from travelling to our country.

In May 1964, the United States Department of Commerce officially imposed a total ban on shipments of food and medicines to Cuba; in practice, such shipments had already stopped. This ban on the sale of food, medicines and medical equipment as a result of the blockade is highly unusual for, even in time of war between countries. The Geneva Convention relative to the Protection of Civilian Persons in Time of War expressly prohibits impeding the civilian population's access to food and medicines. This ban, which the United States Government has been applying against the Cuban people for more than three and a half decades at a time of peace, again demonstrates the genocidal nature of the blockade.

In the minds of United States political strategists, the package of aggressive measures under the full economic blockade should have been sufficient to bring on the rapid collapse of the weak and underdeveloped Cuban economy, by depriving it of its principal market, from which it had derived most of its revenue in foreign currency, and of its main source of supplies for its population's consumption and the functioning of its economy. What the imposition of the blockade in fact meant for Cuba was, inter alia, the loss of its principal market and the sugar pricing system in that market, various types of financial losses, a substantial increase in shipping costs with the shift in trading partners, the blockage of considerable resources, overpriced purchases, the premature closing down of plants and deactivation of equipment for lack of spare parts and the loss of its main flow of income generated by tourism.

The blockade made it more difficult for the population to solve its day-to-day problems. The Cuban people had to face the challenge which the blockade posed to the economic and political system they had chosen and to their very existence as an independent nation, and have undergone extreme sacrifice and deprivation in their resistance over the past four decades.

Sixth: During the administration of President Jimmy Carter, from 1977 to 1981, a number of amendments were introduced to the Cuban Assets Control Regulations representing small and initial steps towards a measure of flexibility. These provisions did not alter the fundamental basis for the blockade policy and were repealed during the subsequent administrations of Presidents Ronald Reagan and George Bush. During the Bush presidency, the blockade was even intensified.

With the demise of the socialist camp and the break-up of the Soviet Union, the Cuban economy abruptly lost the markets, sources of supplies and the system of trade relations and cooperation which, until the late 1980s, had been key factors in mitigating the impact of the United States' economic war against Cuba.

In this particularly unfavourable climate, when its system of economic relations with the socialist countries had suddenly collapsed, when the Council for Mutual Economic Assistance (CMEA) and its network of economic integration, specialized production and access to markets with agreed prices and financing ceased to exist, when the Cuban economy and all the Cuban people were faced with formidable, and, to many outside observers, insurmountable, obstacles, when the world became unipolar and United States hegemony swept over the planet, when the Cuban people were compelled by the economic war to carry out for the second time

in the space of less than 30 years another, very costly overhaul of their external economic relations, technological infrastructure, sources of supplies and financing, the United States Government felt that the time had come to step up the blockade and inflict greater damage on the Cuban economy in order to overthrow the revolutionary Government, which it had been unable to destroy for more than 30 years.

Indeed, the adoption of the so-called Torricelli Act, included in the 1992 Defense Authorization Bill, intensified the blockade measures by prohibiting Cuba from trading with subsidiaries of United States companies based in third countries and thereby subject to the laws of those countries, declaring sanctions against countries which granted economic assistance to Cuba and reviving and intensifying the sanctions against vessels carrying cargo to or from Cuba.

The direct result was the elimination of trade with subsidiaries of United States companies based in third countries, which suffered the humiliation of foreign companies subject to their laws having to go along with the extraterritorial application of a United States law.

For the Cuban economy, the abolition of trade with those subsidiaries, 90 per cent of which sold food and medicines, was an additional blow during the critical economic situation of the early 1990s. That situation is now growing in magnitude and complexity, as a result of the intense and accelerated process of company mergers and acquisitions, mega-mergers and worldwide strategic alliances as part of neo-liberal globalization, a process in which the United States plays a significant role. As a result, Cuba's traditional customers or suppliers in third countries are breaking off their trade or financial relations with our country following their acquisition by or merger with a United States company.

Additionally, the Cuban economy has been unable to take advantage of its excellent geographical location to develop sources of income by using its ports for trans-shipment, the provision of fuel and stores to vessels transiting through the Straits of Florida, ship repairs and the berthing of foreign tugboats for salvaging operations.

In August 1994, the President of the United States took measures to prohibit family remittances to Cuba and to curtail flights between the two countries in retaliation for what had happened as a result of that Government's own policy to encourage illegal immigration and to admit and honour terrorists and pirates who have seized ships and persons and committed other crimes, including murder.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (V)

Seventh: The adoption in March 1996 of the so-called Helms-Burton Act marked another important stage, undoubtedly the most despicable and dangerous, in the escalation of the economic war against Cuba. With the entry into force of the Act and the more recent measures complementing it, which were approved by Congress and the Executive on 21 October 1998 and incorporated as amendments to the 1999 budget, the economic war attained a peak of aggression and vindictiveness as its intention of undermining the resistance of the Cuban people was frustrated.

The aim of the Helms-Burton Act is to cut off the flow of foreign capital investment to Cuba by intimidating actual or potential investors, citing the nationalization of United States property — which the Cuban State carried out with full national and international legality — and the alleged failure to pay compensation for that property. various Governments mentioned above in this submission negotiated for compensation with the Cuban Government, accepted it and, in the majority of cases, received it, whereas the United States Government rejected compensation almost 40 years ago, in the mistaken belief that by fighting a dirty war — including an economic war — against our small country it would be able to recover its property and thereby re-establish its lost ascendancy over the country's economy and political leadership.

In its fury at the resistance of the Cuban people and the ongoing economic recovery, the United States Government has gone to extreme lengths, for example, by taking steps to make its legislation applicable beyond its borders, with complete disregard for legitimate investment interests and normal economic relations between Cuba and third parties. It has also decided to make an official claim for properties that were abandoned on 11 January 1959, when the corrupt officials and military murderers who had served the Batista dictatorship fled. Moreover, it denies entry visas to its territory to businessmen with investments in the country and their family members. The United States Government engages in thoroughgoing persecution against any business which establishes or even seeks to establish economic or scientific and technical relations with Cuba, and the employees thereof.

The Helms-Burton Act has damaged the Cuban economy by obstructing any possible deals and intimidating potential foreign investors with threats and reprisals by the world's largest economic Power, in open breach of free trade and the free movement of capital, of which in its official statements the United States Government claims to be a strong defender.

The most recent actions in the economic war includes such subversive measures as the prohibition of any direct or indirect financing that could be seen as economic aid to Cuba, under threat of reprisals by the United States against any country providing such finance; the decision not to authorize trademarks and trade names which are the same as or similar to those originating in nationalized properties and the instruction that courts should under no circumstances recognize any rights over such properties; the ban on the expenditure or earmarking of funds from the United States budget for the financing of any assistance or reparations to Cuba through international credit institutions; and the threat that the United States will reduce its contributions to the International Atomic Energy Agency by an amount equal to any funds the Agency might allocate for programmes in Cuba, and will oppose any form of technical assistance for the Juraguá nuclear power station or the Cuban nuclear research programme.

Eighth: The blockade violates the principles contained in the Charter of the United Nations in that it undermines peace and international cooperation, constitutes an attack on the sovereignty of Cuba and third countries, violates the principle of non-intervention in the domestic affairs of States and interferes with freedom of trade, investment and shipping. For eight consecutive years starting in 1992, the United Nations General Assembly has adopted a resolution on the necessity of ending the economic blockade imposed by the United States Government on the people of Cuba. The growing international condemnation of the United States

blockade of Cuba is reflected not only in the adoption of these successive resolutions but also in the growing number of Governments — rising from 59 in 1992 to 158 in 1999 — which have voted in favour of condemning the blockade. The United States has never mustered more than four votes against the Cuban resolution, and in 1999 it found itself totally isolated, since only the United States and one other country, which gives it unconditional support, voted against the resolution condemning the blockade against Cuba.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (VI)

Ninth: The economic blockade imposed on Cuba by the United States Government has had a particularly marked effect on the health of the Cuban people; it is here that the genocidal nature of the blockade becomes particularly clear.

Cuba has been placed in a position where it is unable to procure from United States companies or subsidiaries based in third countries the medicines, medical equipment and material required for the preservation of human life, which are produced exclusively by United States companies. Cuba cannot import so much as an aspirin from the United States, or any other country if produced by a United States subsidiary.

In 1959, more than 80 per cent of the medicines, reagents, disposables, medical instruments and pharmaceutical raw materials in Cuba came from abroad, principally from United States companies. The United States blockade, which extends to medicines and medical supplies, has forced Cuba to procure such goods in other markets at a higher cost, estimated to be of the order of an additional 20-30 per cent. This price differential has led to an overexpenditure calculated at over US$ 550 million.

Since the new supplier markets are further away from Cuba the cost of transporting medical supplies to Cuba has risen by about 50 per cent. It is conservatively estimated that this increase has cost the country US$ 105 million in additional expenditure. Moreover, it has been necessary to procure supplies in larger quantities, which also means greater investment in storage facilities and higher expenditure due to larger stocks, fixed resources and losses.

One example of the disastrous consequences of the blockade occurred in 1981, when an epidemic of dengue haemorrhagic fever broke out in the country; over 300,000 people were affected and 158 died, including 101 children under 15. More will be said about this instance of biological warfare against Cuba later in this submission. Meanwhile, all that needs to be said is that, during the epidemic, the United States State Department, applying the blockade rules, delayed authorization for the sale and dispatch to Cuba of the specific insecticides needed to attack the vector that had been identified and the requisite spraying equipment. Cuba had to procure them in third countries; this involved an additional expenditure of several million dollars and a crucial delay in their arrival, which undoubtedly was an important factor in many of the deaths that occurred.

In 1990, the first cases appeared in Cuba of a form of neuropathy, which in 1994 turned into an epidemic when an average of 2,000 cases were logged a year. Studies of the course of the disease unequivocally showed the role played in its

emergence and spread by the population's nutritional state and vitamin deficiencies; this was further confirmed by the positive response obtained by the mass distribution of vitamin supplements. It is clear that the main cause of the problem concerning the Cuban people's nutritional state is purely and simply the economic blockade by the United States; one of the principal objectives of that blockade is to starve the people of Cuba into submission. The overall cost to the country of the neuropathic epidemic is estimated at US$ 208.7 million, of which US$ 165.9 million was due solely to the costs incurred in the manufacture and distribution of vitamin supplements to the whole population free of charge.

The economic war declared by the United States Government against Cuba has inflicted serious damage on Cuba's national health system by hindering the acquisition of technologies, spare parts, instruments, medicines, raw materials, reagents and diagnostic and treatment equipment. One effect of having to switch over from United States suppliers, from whom the country had historically obtained such resources, was that technological replacement and occupational and technical retraining became essential. For the pharmaceutical industry this meant developing new formulations, containers and technological processes adapted to the specificities of the different raw materials, with a consequent rise in production costs. The extra expenditure and losses brought about by the forced change of supplier markets has been estimated at about US$ 1 billion.

The effects of the blockade can also be seen in the fact that a range of treatments for patients with chronic diseases have become less effective owing to wear and tear and the difficulty of replacing existing equipment and the problems of procuring reagents for diagnosis and medicines for treatment. These effects are most obvious in the case of treatments for patients with chronic kidney disease, cardiovascular surgery, ophthalmology, eye surgery and microsurgery and cancer testing. In all these cases, the blockade restricts the chances of survival for Cuban patients, unnecessarily prolongs or increases their suffering and raises treatment costs.

Other unquantifiable consequences of the United States blockade for public health include the country's inability to procure medical literature and scientific information and the difficulty for Cuban professionals to attend any kind of course, conference, meeting or other forum for the exchange or updating of information. It has also intensified the brain drain, particularly among doctors and health personnel in general.

The effects of the blockade on the Cuban public health system mentioned in this document give only a partial picture of the total impact on the sector. Obviously, over and above the material and economic damage, the consequences of the United States blockade are much more evident in this sphere, since they directly affect the health — and indeed the lives — of Cubans, particularly that of the most vulnerable population groups, such as children, pregnant women, the elderly and the sick.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (VII)

Tenth: The economic embargo has caused and is continuing to cause substantial damage to the economy and to the living conditions of the population. Its

effect is so far-reaching, and has been for such a long time, that there is no sector, branch or economic activity which has not experienced an increase in operating costs and a deterioration of efficiency, with obvious repercussions for the population.

This situation is reflected in the following aspects, among many others which could be mentioned:

- A significant increase in the distance from other markets, which gives rise to greater transportation and insurance costs; increased levels of inventory and reserves for production and consumption, resulting in high costs because of the immobilization of resources; and greater needs for investment in warehouses and port facilities, thereby diverting significant resources which are needed by other sectors for the country's economic development.

- The measures taken to prohibit access to United States ports by vessels transporting goods from Cuba or calling at Cuban ports greatly reduce market access and, as a result, make it necessary to pay higher freight rates, and deprive the Cuban economy of earnings from transhipment, supply and ship repairs.

- The ban on Cuba using the United States dollar in its transactions, and maintaining accounts in this currency in banks of third countries, and the pressure exerted by the United States on financial institutions at the international level to block financing to our country, have caused, among other consequences, the following:

The financing secured by Cuba has been subject to more onerous conditions and terms than those prevailing in the market, and Cuba's potential capacity to obtain financing has been restricted.

The economy has been seriously damaged by exchange rate fluctuations because of the need to use other currencies.

Cuba's chances of securing a multilateral renegotiation of its accumulated external debt and gaining access to new lines of financing with official support and more favourable rates and time limits, have been restricted.

- The harassment and obstruction at the international level of any commercial operation by Cuba results in increased prices for the products which the country imports, both because of the rise of prices above market levels, and because of collateral guarantees and other commercial costs.

- The deterioration of equipment of United States origin before finishing its useful life because of the lack of spare parts has led to replacement ahead of time by new equipment which, because of the obstacles to purchasing it in other markets, has not always had the right technical characteristics, resulting in extra operating and maintenance costs.

- The embargo against Cuba has systematically blocked access to advanced technology and advantageous forms of scientific and technical exchange, while at the same time preventing any possible cooperation with Cuba which would lead to increased economic efficiency and higher production volumes.

- The incitement to emigration and the brain drain have been one of the objectives on which the United States Government has focused attention in its

policy of stifling Cuba by depriving it of professionals and skilled personnel in various key sectors of production and services. To this end, bribery, intimidation and blackmail have been used against professionals who travel abroad, as well as intensive and systematic subversive propaganda transmitted by radio from abroad urging people to emigrate.

Emigration, as an instrument of aggression against Cuba, has been used by the United States Government since the very moment of the triumph of the Cuban revolution. During the first years of the revolutionary process, 50 per cent of the 6,000 doctors who were working in the Cuban health system at that time left the country as a result of direct operations in this professional sector by United States Government agents to promote emigration. Many professionals and technicians from the sugar industry received attractive offers to emigrate to the United States, as did engineers, economists, university professors, architects, teachers and professionals from other economic spheres. Cuba has had to make a tremendous effort and allocate enormous economic resources to make up for the shortage of skilled labour caused by this deliberate policy of aggression by means of emigration, which is still in effect today.

This incitement to the brain drain has caused extensive damage to the economy, both in terms of the costs incurred in training the emigrants, already in itself a significant drain on Cuba's own resources, and in terms of the value of the production and services which they would have provided.

- Cuba's exports earnings for goods and services have been severely affected by the United States embargo.

- The cancellation of the sugar quota in the United States market has led to a significant loss of income in Cuba's main export sector, since this sugar had to be sold in the international market at artificially depressed prices.

- The obligation placed on countries which export to the United States to certify that they have not used components of Cuban origin in their products has hindered Cuban exports of sugar and nickel to other markets; moreover, less income has been earned on drawbacks and other export-related issues.

- From September 1960 onwards, the United States State Department started to place restrictions on its citizens and residents with regard to travel to Cuba; these restrictions were intensified some months later, when such travel was prohibited, with the objective of cutting Cuba's income from tourism, since the United States accounted for 86.8 per cent of the total number of foreign visitors. With these measures, the United States deprived its nationals of the freedom to travel to Cuba.

- This measure was supplemented with the suspension of regular commercial flights between the two countries, thereby affecting also the income generated by the Cuban airlines; in addition, aircraft travelling to Canada were prohibited from using the air corridors over United States territory, in violation of the Convention on International Civil Aviation, which gave rise to greater costs and longer flight times.

- In its hostility to Cuba, aware that tourism can provide significant resources for the Cuban economy, the United States Government has undertaken campaigns aimed at discouraging the flow of tourists to our country by putting

pressure on tour operators and international agencies to exclude Cuba as a destination and on possible investors from third countries to prevent them from investing in this sector.

- In the telephone communications sector, the embargo policy implemented since 1962 has aimed to deprive Cuba of the income derived from telephone traffic with the island and to prohibit the expansion, improvement and technological updating of the means of transmission.

Even so, for purely humanitarian reasons, the Cuban Government has continued to provide the service without interruptions and assumed the costs of operating the network, without receiving any compensation from the United States side.

The losses caused for the Cuban economy are not limited to the income arbitrarily and illegally withheld from telephone traffic until 1994, since along with that income there is also the income that was not collected because of the restrictions imposed by the United States Government on the expansion and technological updating of the network, which are still in effect today.

- In the sphere of postal communications, the prohibition of direct flights between Cuba and the United States has made it necessary to use alternative routes which increase operating costs and cause longer delivery times.

- The sugar, electricity, petroleum and nickel industries, the construction and transport sectors, the agricultural and livestock sector and the food industry are some of the production sectors which have been most directly affected.

The impact on income from exports of goods and services, and increases in operating costs in the various sectors and in the prices of the products which Cuba imports, have an adverse effect on the availability of financial resources, which result in interruptions and shortages of supplies, disrupting the normal operation of the economy and public consumption.

The economic war waged by the United States Government against Cuba for four decades, and its main component — the continuous embargo — have inflicted enormous damage on our economy and on the living conditions of the Cuban people. No economic activity and no Cuban citizen have been spared the harmful effects of this genocidal policy carried out by successive United States Governments.

The calculations of the amount of this damage, carried out using a rigorous basic academic methodology and with international comparisons whenever possible, show that **our country has suffered direct and indirect losses as a result of the United States embargo amounting to over 67 billion dollars**.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (VIII)

Eleventh: The origins of the aggressive policy of the United States Government against the Cuban revolution predate the revolutionary triumph of 11 January 1959; they are evident in the moral and material support provided by the United States Government to the violent and oppressive dictatorship of Fulgencio

Batista. Suffice it to recall the solid support provided to the Batista regime almost until the last moment, when the United States political strategists finally realized that if the tyrant stayed in power that would jeopardize their plans for domination in Cuba.

The hostile attitude of the United States to the people's revolutionary process in Cuba was evident in the desperate attempts made by the United States authorities during the final weeks of the dictatorship to thwart the victory of the revolution. In this respect, the contents of a secret United States document of 23 December 1958, which was declassified in 1991, are eloquent: the document reveals that on that day, during a meeting of the National Security Council attended by President Dwight Eisenhower at which the situation in Cuba was discussed, the then Director of the CIA, Allen Dulles, categorically declared that Castro's victory must be prevented. Three days later, on 26 December, President Eisenhower acknowledged the existence of covert operations against Cuba and instructed the CIA that he did not want the details of those operations given to the National Security Council.

It was at the very moment of the revolutionary triumph on 11 January 1959 that the first hostile political act of the United States Government occurred, when it offered hospitality and asylum in United States territory to dozens of war criminals, murderers, torturers and thieves who had fled from revolutionary justice, despite the innumerable requests for extradition made by the Government of Cuba against these common criminals under the treaty signed to that effect between the two countries which is still in force today. Many of these criminals subsequently participated in some of the counterrevolutionary organizations promoted by the United States Government itself — which are engaged in carrying out armed aggression and terrorist acts against Cuba — and most of them fled with funds and other property stolen from the public treasury; as has been mentioned, these were never returned to the Cuban State.

On 2 February 1959, barely one month after the triumph of the revolution, the United States citizen Allen Robert Mayer, who had illegally entered Cuban territory on board a light aircraft for the purpose of making an attempt on the life of commander-in-chief Fidel Castro, was arrested and brought before the courts.

A few weeks after the revolutionary triumph, and even before the promulgation in Cuba of the Agrarian Reform Act — the first major measure for the transformation of Cuban society, which affected the interests of United States domination — it was being suggested at the highest levels of the United States Government that it might be necessary to intervene actively in order to secure the downfall of revolutionary power in Cuba. On 30 March 1959, General Maxwell D. Taylor, chief of staff of the United States army, told the United States Congress that the Cuban revolution could be the beginning of a series of upheavals in Latin America, which would enable the Communists to take up positions. Richard Nixon, who was at the time, Vice-President of the United States, later admitted in his memoirs that after April 1959 he became the main proponent of efforts to overthrow Castro.

As has been possible to confirm following the recent declassification of a secret report drawn up in October 1961 by the CIA Inspector General, Lyman Kirkpatrick, the United States Government's covert operations against Cuba began in the summer of 1959, a few weeks after the signing of the Agrarian Reform Act.

From that time on, the United States Government organized and directly perpetrated or encouraged, advised, financed, supported and condoned thousands of acts of sabotage and terrorism carried out by United States agents or by counterrevolutionary elements operating within Cuba or from the territory of the United States with the full knowledge and support of the authorities of that country. A little later, the United States Government began to organize direct armed aggression and to use other forms of physical aggression which have been carried out continuously almost until today.

The many and varied forms of physical aggression perpetrated by the various administrations of the United States Government for four decades were fully described and documented in the recent court case concerning the claim filed against the United States Government for human damage caused to the Cuban people. That case demonstrated the direct participation of the United States Government in the incitement, direction, organization, financing and supply of terrorist agents and mercenary gangs which carried out many of the plans of aggression drawn up by that Government and its agencies specialized in intelligence and subversion against our country.

However, these actions not only caused the loss of 3,478 human lives and the total or partial disability of another 2,099 persons. This policy of aggression practised by the United States Government against Cuba has caused enormous material losses and the destruction of a significant part of Cuba's natural wealth, which has had and is continuing to have a severe impact on the economic development possibilities and the level of well-being of the Cuban nation.

Not a single economic or social activity has been spared the destructive and destabilizing impact of the United States Government's aggressive policy. For over 40 years, the acts of aggression have been so numerous and diverse, and so many activities and sectors in Cuba have been affected, that at this point it is impossible to assemble complete information about each and every one of them. The list of facts which illustrate and substantiate this claim, although extensive, therefore is but a pale reflection of the amount, magnitude and scope of the aggression committed in a systematic and continuous manner by the United States Government against our people.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (IX)

Twelfth: In May 1959, a few weeks after the signing of the Agrarian Reform Act, the United States Government launched a brutal and intensive "dirty war" against Cuba. One of its first decisions was to begin a campaign of subversive activities, initially using its diplomatic representatives in Havana. On 8 August 1959, the Cuban authorities arrested Stanley F. Wesson, an accredited member of the United States embassy security service, together with a female embassy employee, at a meeting of counter-revolutionary activists at which preparations were being made for sabotage operations to be coordinated with the plans to invade Cuba being hatched in the Dominican Republic at that time.

At the end of October that year, as mentioned above, United States President Dwight D. Eisenhower personally approved a programme of covert action against

Cuba drawn up by the Department of State and the Central Intelligence Agency (CIA), whose objectives included the mounting of a "powerful propaganda offensive", giving encouragement and support to counter-revolutionary groups bent on subverting Cuba from within, carrying out unauthorized air and naval operations against Cuban territory and, lastly, assembling an "adequate paramilitary force" outside of Cuba.

These months saw the beginning of a series of flights over Cuban territory by light aircraft operating from United States territory, whose tasks included infiltrating agents, weapons and other means of support to assist counter-revolutionary groups inside Cuba backed by the CIA and carrying out sabotage, bombing and other terrorist actions. On 6 October 1959, the revolutionary Government laid the blame for these unauthorized operations at the door of the United States and called on the United States authorities to take immediate measures to end them. However, a few days later they were stepped up. It had now become clear that the United States was privy to these actions, and that they were being perpetrated or at any rate tolerated by its agencies.

On 26 October 1959, the United States Government denied that its territory had been used as a base for unauthorized flights over Cuba. A few hours later, however, Pedro Luis Díaz Lanz, a deserter who had taken part in many of these actions, publicly admitted that the aircraft used in them were based in Florida, while on 11 November one of these planes was discovered at Pompano Beach airport in the state of Florida.

On 11 December 1959, Colonel J. C. King, head of the CIA's Western Hemisphere Division, drew up an action plan against Cuba, the objective of which was to "overthrow Castro within one year" and replace him with a junta friendly to the United States. The measures provided for in the plan included covert radio operations, interference in Cuban domestic radio and television services and support for pro-American opposition groups to enable them to use force to establish a bridgehead inside Cuba. The document contained a further very important and highly significant recommendation, namely that "thorough consideration should be given to the elimination of Fidel Castro".

While terrorist actions from the air were being stepped up, the United States Government embarked on a series of diplomatic manoeuvres designed to prevent Cuba from obtaining the means to defend its territory against these unauthorized air attacks, including bringing pressure to bear on the British Government to prevent the sale of 15 fighter planes to Cuba. However, the most significant of the series of actions designed to prevent Cuba from strengthening its own defences, was the blowing-up of the French steamer "La Coubre" on 4 March 1960. A large shipment of weapons and ammunition acquired by the Cuban Government had been loaded onto the vessel at a European port, where the cargo had been sabotaged by CIA agents. The explosive devices they had planted went off when the vessel was being unloaded in Havana on 4 March, leaving 101 people dead and more than 200 wounded, destroying the vessel, nearby harbour installations and some 800 tonnes of weapons, causing total material damage and losses estimated at 17.5 million dollars.

On 21 March 1960, a light aircraft was shot down near Matanzas and its crew of two Americans, Howard Lewis Rundquist and William J. Shergales, taken prisoner. On 12 May, another light aircraft, also flown by an American pilot, Matthew Edward Duke, was shot down near the coast to the east of Havana. The

pilot's body was handed over to the United States diplomatic authorities. There was evidence to show that this had been the thirty-third unauthorized flight made by the pilot concerned.

Alongside the campaign of terrorism from the air, during the final months of 1959, the internal counter-revolution, directly organized and backed by United States Government agencies, stepped up its other subversive and terrorist activities, unleashing a wave of sabotage operations and various other measures, which reached a high pitch in the first few months of 1961, helping to create what the CIA thought was a climate favourable to the launch of the mercenary invasion preparations which were then coming to a head. Cinemas, shops, offices, factories and schools were all targets for bombs or incendiary devices, invariably timed to explode when large numbers of people were in the vicinity. The burning of sugar-cane plantations was also on the increase. All these actions caused large-scale economic damage.

On 15 February 1960, the Ten Cent department store in the city of Santa Clara was burned down.

In October of the same year, complaints were lodged about the activities of the CIA station at the United States embassy in Havana carried out by Colonel Erickson S. Nichols and Major Roberto Van Horn, both military attachés recruited by the CIA. These spies were seeking to foment counter-revolution in the capital through a wide-ranging programme of subversive measures, including the blowing-up of the Nico López oil refinery and the Tallapiedra electrical plant.

During the months prior to the invasion, efforts to secretly infiltrate individual agents and groups into Cuban territory gained momentum, in line with the goal of creating all the conditions needed inside the country for the success of what it was felt would be the decisive strike against the revolutionary regime. For this highly sensitive task, the CIA in many cases chose to use American agents.

On 5 October 1960, a group of 27 infiltrators, led by three Americans, landed at the Bay of Navas, between Moa and Baracoa on the north coast of the province of Oriente. All were taken prisoner by rebel forces and peasant militias. A further group of six Americans who had landed on the north coast of Pinar del Río was found shortly afterwards.

During the first months of 1961, at various keys off the coasts of Pinar del Río and Las Villas and at other locations inland, large hauls of clandestinely imported weapons were seized. In April a shipment of eight tonnes of weapons, explosives and military supplies brought in by two American infiltrators was found and seized in Pinar del Río and the infiltrators arrested.

On 26 January 1960, at the very height of the campaign of sabotage, promotion of mercenary organizations and gangs and airborne terrorism, conducted with the support, clear involvement and complicity of the United States authorities, President Eisenhower maintained in a public statement that the United States Government was abiding strictly by its policy of non-interference in the internal affairs of other countries, including Cuba, and stated, with breathtaking cynicism, that he also felt growing concern at the tendency of Cuban Government spokesmen to foster the illusion that acts of aggression and conspiracies against the Cuban Government were being perpetrated by United States authorities or agencies.

On 8 April, in a letter to a group of Chilean students, the United States President put forward for the first time the argument that the Cuban Government had "betrayed" its revolutionary ideals and offered them firm assurances that the idea of outside interference in Cuban affairs was as disagreeable to the United States as that of interference in the internal affairs of any other Latin American republic. By that time, the same Eisenhower had personally authorized the implementation of plans for the invasion of Cuba.

Between September and December 1960, there were more than 50 violations of Cuban airspace in the province of Havana alone, many of them designed to distribute counter-revolutionary propaganda or bomb strategic targets in the capital. During the same period, more than 100 acts of sabotage and terrorism against the population were reported.

The most significant events during December 1960 included: the fire started on 15 December at the studios of the CMQ radio station in Havana; the bomb planted at the University of Havana, which, in addition to the damage it caused, seriously injured a student; the sabotage of the Candido cinema in Marianao, which left seven young people wounded; and the fires which caused total and partial destruction, respectively, of two of Havana's largest stores, La Epoca and Flogar. In the rest of the country, terrorist activity also increased: tobacco warehouses were burned down in Pinar del Rio, 39 operations of various kinds were carried out in Las Villas, 16 sabotage operations and an attack on a police station took place in Camaguey and seven large-scale sabotage operations were carried out in Santiago de Cuba.

On 30 December 1960, the newspaper *Revolucion* reported the arrest of a terrorist group consisting of 17 CIA agents who had been trained and equipped to carry out sabotage operations. Among the terrorists arrested was one Armando Valladares, who 27 years later was to be appointed by President Ronald Reagan as United States representative to the United Nations Commission on Human Rights.

On 28 February 1961 a terrorist attack was carried out on the Nobel Academy in Havana, leaving nine students and a professor injured and causing considerable material damage.

On 3 March, a bomb planted at the Consolidado de la Construccion in Rancho Boyeros caused extensive damage and led to the death of an 18-year-old worker, José María Méndez Marrero. Three days later, Carlos Rodriguez Borbolla, a militiaman, was murdered at a newsprint warehouse in Havana, which was later burned down. On 11 March, the sabotage of electricity pylons in the Víbora district of Havana left large areas of the capital without power. On 14 March, fires broke out simultaneously at branches of Ten Cent, one of Havana's main department stores, in Monte and Obispo streets.

On 4 April a fire started deliberately destroyed a warehouse and 180,000 sacks of sugar at the Hershey factory in Santa Cruz del Norte. On 7 April, the Cuenca Sur water main was sabotaged, cutting off supplies to much of the capital for 48 hours. On 13 April, two days before the launch of the air attack that preceded the invasion by the CIA mercenary force, a sabotage operation involving live phosphorous completely destroyed the building housing the El Encanto department store in Havana, the largest in the country, killing worker and militiawoman Fe del Valle, wounding 18 others and causing 5.7 million dollars in damage.

On 15 April 1961, mercenary aircraft belonging to the invasion force organized by the CIA bombed three of the country's airports as a prelude to the invasion. In Santiago de Cuba hangars and other installations were damaged, while a Catalina, a DC-3 and various light aircraft were destroyed, and a C-47 and a B-26 from the Rebel Air Force were disabled. In Havana, a number of aircraft were destroyed and installations and housing damaged.

Two days later the CIA unleashed what it thought would be the decisive strike — the Bay of Pigs invasion by an army of mercenaries. On the morning of 17 April 1961, the brigade, consisting of some 1,500 Cuban counter-revolutionaries, organized, trained, equipped and financed by the CIA, landed as planned at Playa Larga and Playa Girón in the Bay of Pigs, with the aim of establishing a beachhead and setting up a provisional counter-revolutionary government which would immediately request and secure United States intervention. The invading forces were equipped with large quantities of modern weapons, ammunition, artillery, tanks, aircraft and all the other resources needed for a swift and successful campaign.

On 18 April, the second day of the fighting, United States President John F. Kennedy reaffirmed that "the United States intends no military intervention in Cuba" and added, with an open display of cynicism, that "while refraining from military intervention in Cuba, the people of the United States do not conceal their admiration for Cuban patriots".

By this time, Kennedy's alleged patriots were heading for defeat, a fate which was sealed on 19 April. In less than 72 hours, the CIA's powerful army either surrendered or fled. The swift and devastating response from the Cuban people thus thwarted the plans so carefully laid over more than a year and prevented direct intervention by the United States armed forces.

On the last day of the battle, 19 April, active American involvement in the attack was confirmed when Cuban forces shot down two B-26 aircraft flown by United States citizens, pilots belonging to the National Guard. At dawn on the same day, United States Air Force combat planes were sighted above the battle zone. President Kennedy had personally authorized this direct intervention to assist the CIA air force, which had by now been decimated. These planes belonged to fighter squadrons from the aircraft carrier *Essex*, which throughout the battle remained a certain distance from the coast off Playa Girón with its fleet of accompanying destroyers and other vessels. Some of these United States naval units approached the coast that day in response to the President's express orders to take part in the rescue operations to assist the counter-revolutionary brigade, which had been defeated by the overpowering might of the forces of the rebel army and the people's militia.

Nevertheless, in a public speech made on 20 April, President Kennedy tried to maintain the falsehood surrounding the invasion fabricated by the United States Government: "I have emphasized before that this was a struggle of Cuban patriots against a Cuban dictator. While we could not be expected to hide our sympathies, we made it repeatedly clear that the armed forces of this country would not intervene in any way." Yet barely four days later, in the face of incontrovertible evidence of the facts now emerging and the growing war of mutual recriminations between the CIA and other United States Government agencies over responsibility for the resounding and ridiculous failure, the White House released a statement

saying that: "The President has stated from the beginning that as President he bears sole responsibility for the events of the past few days."

The mercenary invasion at Playa Girón cost Cuba the lives of 176 of its people. Hundreds of revolutionary fighters were wounded in the fighting. The attack also resulted in great material losses to our country, including the extensive damage caused by the invaders.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (X)

Thirteenth: Although armed gangs of mercenaries began appearing in various mountainous areas of the country in the first year of the Revolution, it was not until the next year that the phenomenon of banditry became one of the main tools for subversion and terrorism used by the United States Government as part of its policy of aggression against the Cuban Revolution. According to irrefutable evidence based on documents, testimony and fact contained in Cuban archives and corroborated by secret United States documents that have been declassified and published in the United States in recent years, it can be categorically stated that the banditry was encouraged, organized, directed, supplied, financed and supported in various ways by the Central Intelligence Agency as a fundamental element of the United States Government's strategy against Cuba.

Prior to the Bay of Pigs, as was demonstrated and acknowledged by the United States itself, CIA efforts to convert banditry into a decisive support for the success of its invasion plans failed totally as a result of the determined response by the revolutionary armed forces and the people, who quickly organized a massive campaign and, in the space of a few months prior to the invasion, succeeded almost completely in breaking up the gangs of mercenaries which were operating in the country at the time, primarily in the mountainous region of Escambray in the former Las Villas province. Nevertheless, following the Bay of Pigs disaster, the Kennedy and Johnson administrations remained committed to that type of war and encouraged it and increased their support for the gangs, thereby compelling our people to make ever greater efforts and sacrifices to combat them until they were liquidated once and for all in 1965.

According to the records, between 1959 and 1965 there were 299 gangs of mercenaries with a total of 3,995 rebels operating throughout Cuban territory. According to the records, 549 people — whether combatants killed in the action against the bandits or civilians murdered — lost their lives in the bitter struggle of the people against these gangs.

The United States Government felt that it was in Escambray that the geographical and social and economic conditions were most favourable for the development of this type of aggression against Cuba. Thus the area became the main theatre of operations for the gangs of mercenaries and the CIA concentrated the greatest material and financial support for the bandits in that area. Seven of the 10 missions explicitly mentioned by the CIA Inspector General in his above-mentioned secret and now declassified report carried out by the CIA to supply the bandits with weapons, vehicles and equipment from the air between September 1960 and March 1961 had as their target the mountainous areas of Las Villas.

In the province of Las Villas, according to the records, there were 168 gangs with a total of 2,005 counter-revolutionary rebels. In Escambray alone, there were 136 gangs, that is to say almost half of all the gangs. But the counter-revolutionary gangs were a nationwide phenomenon and affected all six provinces though their influence varied from one province to the next and was most marked in the two other mountainous provinces, Pinar del Río and Oriente.

The direct participation of the United States in support for the gangs of mercenaries was also evident from the presence of United States agents in the gangs. On 22 September 1959, Rebel Army Forces and peasant militiamen clashed with and captured a group of bandits in Pinar del Río; among them were two U.S. citizens, Austin Frank Young and Peter John Lambton. In August 1960, CIA agent Richard Allen Pecoraro was captured in Escambray; he had infiltrated Cuban territory and his mission was to oversee the situation of the gangs operating in the mountains.

During the years in which they were operating, the CIA-supported gangs of mercenaries set alight, destroyed and looted dozens of schools, small shops, village houses, barns, cooperatives, dairies, warehouses, means of transport, sugar cane plantations, sown fields, cattle and countless other property belonging to the people. Their terrorist actions resulted in substantial material losses to the country and to countless ordinary families.

In addition, breaking up and liquidating these gangs required the involvement of regular forces of the Rebel Army and also the mobilization of more than 70,000 volunteer militiamen from various work and student centres, all of whom had to be trained, equipped, fed and paid, and this had an incalculable economic impact on their respective work centres.

Fourteenth: The crushing defeat at the Bay of Pigs and the resulting humiliation suffered by the United States Government made destroying the Cuban Revolution a matter of the highest priority at the highest levels of the Government, as is seen in the secret United States documents of that period, which have recently been declassified. President Kennedy ordered a review and complete re-evaluation of the strategy against Cuba and this led, in January and February 1962, to the formulation of the so-called "Cuba project" which involved a total rethinking of the covert war against our country organized, from then on, under what became known as Operation Mongoose.

In a document dated 14 March 1962, the guidelines for Operation Mongoose are set forth as follows:

> "In undertaking to cause the overthrow of the target government, [Cuba] the United States will make maximum use of indigenous resources, internal and external, but recognizes that final success will require decisive U.S. military intervention. ...
>
> "Such indigenous resources as are developed will be used to prepare for and justify this intervention, and thereafter to facilitate and support it."

According to the timetable outlined by General Edward Lansdale — to whom Kennedy assigned the task of coordinating and executing Operation Mongoose — and established in a document dated 20 February 1962, the operation was to culminate in the second half of October of that year when the sixth and final phase

of the plan would be executed with the military intervention of the United States. Meanwhile, the escalation of subversion would include, inter alia, infiltration of agents and sabotage groups, support for stepped up activities of armed gangs, the organization of assassination attempts against the main leaders of the Revolution, the implementation of a vast propaganda offensive against Cuba and the execution of sabotage directed, in particular, at the nickel industry, oil supply, communications and power generation.

Operation Mongoose was officially discontinued by President Kennedy in January 1963, three months after the so-called October crisis which was triggered as a result of the measures taken jointly by Cuba and the Soviet Union in the face of evidence of preparations for direct military aggression by the United States. During the time the Operation was officially in force, that is to say for a period of some 14 months, 5,780 terrorist acts against our country were recorded, including 716 large-scale acts of sabotage against economic targets.

In the years that followed, infiltration by terrorist groups, incursions by air, attacks by pirate vessels originating in United States territory and the campaign of sabotage against businesses, factories, warehouses, plantations and other social targets followed a similar rhythm.

The 1970s witnessed another spate of terrorist acts against Cuba carried out by counter-revolutionary organizations which, as acknowledged in testimony declassified by the CIA, gave a Cuban face to these and other misdeeds. On 17 April 1970, a group of 13 members of the Alpha 66 organization landed on the north-eastern coast of Oriente province, close to the town of Baracoa, with plans to carry out armed operations and sabotage in that mountainous area. The group was liquidated a few days later with the decisive participation of militia from the mountains; four combatants were killed.

On 12 October of the following year, the hamlet of Boca de Samá, in the Banes area, also in Oriente province was subjected to machine-gun fire from a fast launch and a larger boat from United States territory. Two people were killed and several others, including two children, were wounded. In December, the boats *Layla Express* and *Johnny Express*, which had been used as mother ships for the pirate incursions against Cuba, were captured near the Cuban coast. The captains of these boats confessed to being CIA agents. During the years that followed the infiltration of agents through the coast continued, as did terrorist attacks on Cuban coastal facilities.

In June 1976, the CIA gathered together five terrorist groups of Cuban origin based in the United States, which it had sustained, trained and kept in its service and created the so-called Comando de Organizaciones Revolucionarias Unidas (CORU). In August 1976, just two months after the creation of CORU, a right-wing newspaper of Cuban origin based in Miami published a so-called war dispatch in which, after reporting on a dynamite attack on the Embassy of Cuba in Colombia and another which destroyed the offices of Air Panama, announced that "Very soon, we will attack airliners in flight." The announcement was signed by the five terrorist groups making up CORU. Six weeks later, a Cuban civilian airliner with 73 people on board exploded in mid-air, 10 minutes after taking off from the Caribbean island of Barbados. We will say more about this monstrous act of terrorism later.

This crime was the most significant event in the chain of aggressions against our country in those years, but not the only one. In other sections of this submission we will refer to the increase, during this phase, of kidnappings of boats, attacks on Cuban facilities and officials abroad and other actions many of which were acknowledged by, or were determined to be the work of, CORU. The violence was directed primarily against Cuban interests in Caribbean and Central American States which maintained relations with Cuba. In carrying out these strikes, CORU terrorists had no difficulty using the territories of the United States, Puerto Rico, Nicaragua and Chile as their main bases for operations. During those years terrorist acts, in which people were killed or wounded and property was damaged, were carried out against Cuban diplomatic, consular and commercial missions in Canada, Mexico, Chile, Peru, Spain, Jamaica, the United Kingdom, France, Venezuela, Portugal, Costa Rica and the United States.

Examples of the acts of sabotage carried out during these years include the total destruction, on 30 June 1977, of the Amadeo Roldán theatre, one of the main theatres in Havana, in a fire which caused 15.8 million dollars of damage, and the huge fire that broke out on 12 October that same year in the Manuel Valdés Rodríguez secondary school, also in Havana, endangering the lives of hundreds of students of that establishment.

On 8 May 1980, a 10-storey building in Marianao housing the Le Van Tam nursery, the largest one in Cuba, was set ablaze. It was only thanks to the heroic action of firefighters, militiamen, students from a nearby secondary school and the population in general that 570 children and workers trapped in the fire were rescued. The similarity of the means used in this act to those used by captured CIA agents or used in other earlier terrorist attacks, led the experts to conclude that they had the same origin. This despicable act caused a great deal of property damage.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (XI)

Fifteenth: Between 30 and 31 January 1990, a unit of the United States Coast Guard machine-gunned and attempted to sink the merchant ship *Herman*, which was flying the Panamanian flag but had been chartered by Cuba and was crewed by Cuban sailors, while it was sailing in international waters in the Gulf of Mexico with a cargo of ore destined for the port of Tampico. This brutal and unjustified aggression against the *Herman*, which fortunately caused no human casualties although there was serious damage to the ship, symbolically began a 10-year period during which there was a return to acts of piracy, infiltrations and planned attacks as methods of terrorism against Cuba, encouraged by extreme right wing circles which support violence, based in Miami and grouped around the Cuban-American National Foundation.

During the first half of the 1990s, Cuba's security forces thwarted many infiltrations and neutralized a considerable number of agents whose function was to carry out terrorist acts of all kinds within Cuba. The following are some of the most significant events of that period:

On 7 October 1992, the terrorists Guillermo Casasús Toledo, Miguel Hernández and Jesús Areces Bolívar, members of the Comandos L group, machine-

gunned the premises of the Meliá Varadero hotel from a vessel which had come from the United States. This attack reflects the terrorists' new strategy of concentrating on foreign tourism in Cuba in an attempt to damage Cuba's international image and one of the main areas of its economic development.

On 2 April 1993, the tanker *Mykonos*, which was flying a Maltese flag and had a Cuban and Cypriot crew, was machine-gunned seven miles north of Matanzas by a fast patrol boat crewed by members of the Ejército Armado Secreto, a terrorist group based in Miami.

On 2 September 1993, Marcelo García Rubalcava, a Mexican national resident in the United States of America, was arrested and explosives and subversive propaganda were confiscated. The terrorist admitted that he was connected with the Alpha 66 organization and that Andrés Nazario Sargén had been personally involved in preparing his operation, which was to carry out attacks against tourist facilities and even against President Fidel Castro.

During this period, simultaneously with the increase in terrorist activity, there was a sharp rise in radio transmissions from United States territory by transmitters belonging to various terrorist organizations; these broadcasts contained incitement to violent acts. In a single month, from 26 January to 25 February 1993, the transmitters broadcast no less than 20 messages calling for the physical elimination of Fidel Castro; 100 calls for acts of economic sabotage; 124 appeals to Cuban military personnel to overthrow the Government; and 471 calls for propaganda actions against the State.

In late 1993 the Cuban-American National Foundation intensified its efforts to recruit persons willing to carry out terrorist acts in Cuba. One such agent, who was later discovered by Cuban security agencies, was given a mission involving the poisoning of cattle, sabotage of motor vehicles used for tourism or owned by foreign nationals, and placement of bombs in hotel and recreation facilities in Havana, including the Tropicana night club. Another agent was instructed to set fire to sugar cane plantations and to find economic targets using a satellite positioning system, with a view to subsequent acts of sabotage against them.

On 11 March 1994, the Guitart-Cayo Coco hotel was machine-gunned from a fast patrol boat crewed by members of the Alpha 66 organization; this occurred again on 6 October 1994.

In 1995, the Cuban-American National Foundation was increasingly making plans for intensified violent actions in Cuban territory, with a particular focus on terrorist attacks on tourist facilities and economic targets. Equally high priority was given to the aforementioned plans to assassinate Commander-in-Chief Fidel Castro. Aside from the various known plans to kill the Cuban President, the past few years have been characterized by the considerable scale of terrorist actions or plans, as follows:

On 20 March 1995, Santos Armando Martínez Rueda and José Enrique Ramírez Oro, both United States citizens of Cuban origin, were arrested at Havana airport after they had placed an explosive charge of 1.38 kilograms of C-4 in a hotel in Varadero. The explosive device was detected and defused. The two terrorists had travelled with forged Costa Rican documents, and had earlier infiltrated the country via the Puerto Padre area. At that time, they had hidden a recipient containing 51 pounds of C-4, fuses, batteries, timing devices and other bomb-making equipment

which they planned to place in tourist installations. Martínez Rueda stated that he had received logistical and financial support from Angel Bonet, Guillermo Novo and Arnaldo Monzón, all of whom were ringleaders of the Cuban-American National Foundation.

On 20 May 1995, another fast patrol boat equipped and crewed by members of the Alpha 66 organization again machine-gunned the Guitart-Cayo Coco hotel. Those involved described their actions on a television programme in Miami, in which Nazario Sargén also took part.

On 12 January 1996, the Cuban nationals Cecilio Reynoso Sánchez and Juan Ramos Reynoso, the former being a resident of Miami, were arrested in Havana while transporting 900 grams of C-4 explosive and other equipment. Reynoso Sánchez was following instructions given by Rufino Alvarez Oquendo, the general secretary of the Frente Nacional de Presos Políticos, but he admitted that he had been in contact with Hernán Santiesteban, Horacio García and Roberto Martín Pérez of the Cuban-American National Foundation. The terrorists had planned to place explosive devices in tourist centres or on the premises of mixed enterprises.

On 11 February 1996, three Cubans resident in the United States of America who had entered the bay of Cárdenas on a fast patrol boat and were planning to open fire on the Meliá Las Américas hotel and spread subversive propaganda were captured. In August 1996, the United States citizen Walter Van der Veer was arrested. He had been sent by the Frente Cubano de Liberación, in order to bring military equipment and incendiary devices into the country, carry out subversive propaganda actions and plan terrorist acts against centres of economic activity.

On 17 September 1996, Pedro Pablo Pulido Ortega, a Cuban national resident in Miami, was arrested after having infiltrated the country through the Chambas area, in the province of Ciego de Avila, with a consignment of weapons, ammunition and other equipment intended for terrorist acts. This arsenal was to have been delivered to Noel Ramos Rojas, another Cuban national resident in the United States, who on several occasions had entered the country legally as a member of the overseas Cuban community for the purpose of carrying out sabotage against economic targets. The plan had been organized by the group known as Proyecto Cuba Gobierno Provisional, based in Miami, and its leader Julio Codias.

In October 1996, the authorities became aware of a terrorist plan prepared by members of the organization known as Brigada 2506, to load light aircraft and other types of aircraft with explosives and steer them by remote control into a gathering of people on the Plaza de la Revolución, and against other targets such as the thermal power plants of Tallapiedra, Mariel and Santa Cruz and the Ñico López refinery. It was verified that the Foundation had been connected with this plan and had supported it.

On 12 April 1997, an explosive device containing about 600 grams of C-4 went off in one of the lavatories at the Aché discotheque in the Meliá Cohiba hotel in Havana. On 30 April another device, containing 401 grams of C-4, was found in the hallway on the fifteenth floor of the hotel itself. Subsequent investigations showed that both of these bombs, one of which caused considerable material damage, were planted by the Salvadoran terrorist Francisco Chávez Abarca.

On 24 May 1997, a bomb went off at the entrance to the offices of the Mexico City branch of the Cuban tourism company Cubanacán. A similar device exploded at

the entrance to the offices of Havanatur, another Cuban tourism firm, in the town of Nassau on 3 August.

The escalating terrorist activity took on a new tone when two bombs went off almost simultaneously in the lobbies of the Capri and Nacional hotels in Havana, on 12 July 1997, injuring four persons and causing considerable material damage. It was later found that the devices had been planted by the Salvadoran mercenary Raúl Ernesto Cruz León, who was working for the well-known terrorist Luis Posada Carriles and the Cuban-American National Foundation.

Less than a month later, on 4 August 1997, a bomb went off in the lobby of the Meliá Cohiba hotel. On 22 August another device exploded in a hallway in the Sol Palmeras hotel in Varadero.

On 4 September 1997, Raúl Ernesto Cruz León himself planted four bombs in the Copacabana, Chateau and Tritón hotels and in the restaurant La Bodeguita del Medio. One of the explosions killed an Italian tourist, Fabio di Celmo. This time, however, Cruz León was found and arrested a few hours later. He stated that he had been recruited by the Salvadoran Francisco Chávez Abarca, the man who carried out the first terrorist attack.

On 30 October 1997, a powerful explosive device was discovered under a kiosk in Terminal 2 at the José Martí international airport in Havana. Following investigation it was determined that the bomb had been planted by the Guatemalan nationals Jorge Venancio Ruiz and Marlon Antonio González Estrada, who also carried out the attack on the Sol Palmeras hotel.

On 4 March 1998, the Guatemalan nationals Nader Kamal Musalam Barakat and María Elena González Meza were arrested in Havana after trying to bring explosives and other equipment into Cuba to carry out terrorist attacks, for each of which they were to have been paid US$ 1,500. Another Guatemalan, Jazid Iván Fernández Mendoza, was arrested two weeks later; he was the husband of María Elena González and an accomplice in her terrorist plans. In their statements, all three declared that Francisco Chávez Abarca had been involved in preparing for the operation, which was financed and directed by Arnaldo Monzón, Ramón Medina — one of the aliases of Luis Posada Carriles — and another individual identified only as "the gentleman from New Jersey".

On 28 May 1998 the terrorists Ernestino Abreu Horta and Vicente Marcelino Martínez Rodríguez were arrested after having infiltrated Cuba a few days earlier via the coast in the municipality of Minas de Matahambre, in the province of Pinar del Río, and attempted to bring a large consignment of arms into the country. They were members, respectively, of the organizations Alpha 66 and Partido Protagonista del Pueblo, the latter being organized by the terrorist Orlando Bosch. The plan was to infiltrate a larger group of men into the country later.

On 10 June 1998, a Salvadoran national, Otto René Rodríguez Llerena, was arrested at Havana airport while attempting to bring into the country 1,519 grams of plastic explosive and other equipment for making bombs, which were to be used against centres of tourism and other targets. This terrorist had previously carried out the attack on the Meliá Cohiba hotel in August 1997. In his statements he identified Luis Posada Carriles as the person who, under the alias of Ignacio Medina, had proposed that he should carry out these actions and provided all the necessary equipment. Thanks to the testimony of Juan Francisco Fernández Gómez, a Cuban

State Security agent who had infiltrated the Foundation and who gave evidence in the trial of Rodríguez Llerena, it was demonstrated yet again that the Foundation was involved in the aforementioned plans and intended to extend its terrorist attacks to other targets, including sites of particular patriotic and emotional significance for the Cuban people, such as the memorial and mausoleum of Che Guevara and his comrades in Santa Clara, the Plaza Antonio Maceo in Santiago de Cuba, and the Museo de la Revolución and the Memorial Granma, in Havana.

These terrorist plans against Cuba, promoted and financed by the Cuban-American National Foundation and other counter-revolutionary organizations based in the United States of America, have lost none of their vigour despite repeated public denunciations by the Government of Cuba. The Government of the United States of America has all the necessary information, as well as huge resources at its disposal, in order to put an end to these actions if it so desired. The continued impunity with which these terrorist elements are pursuing their criminal endeavours against Cuba makes that Government an abettor and accomplice of terrorism against our country.

Since acts of a criminal nature are involved in the events described in the present claim, investigations have been opened and proceedings have been instituted, when appropriate, before the competent courts.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (XII)

Sixteenth: In these 40 years, there is no sector of the Cuban economy or social structure that has not been directly affected, to a lesser or greater degree, by the aggressive policy of the United States Government against Cuba. Of all activities, however, those relating to the production of food for the people and of foodstuffs for export, which are essential to the country's economy, have probably been the most frequent targets of the specific plans and programmes carried out as part of the dirty war waged by the United States against Cuba.

For four decades, the agricultural sector has been a priority target of the United States aggression against Cuba. This sector produces most of Cuba's export commodities and most of the food consumed by the population, and it is a key element in the United States efforts at destabilization and its attempts to break the strong determination of our people to defend their Revolution, their socialist system, their freedom and their independence.

Without a question, the main thrust of this war against farming, livestock and fisheries has been the waging of biological warfare; this will be discussed in detail later on. In addition to this line of action, however, it is important to refer also to the preference for sabotage and other forms of terrorism. Livestock facilities, dairy farms, poultry farms, fertilizer storehouses, fertilizers and agricultural and livestock products, tobacco barns, cargo equipment and farm machinery, among others, have all been the targets of terrorist activities and sabotage. The material damage and economic losses have been substantial, and this has seriously curtailed the supply of products for domestic consumption and export.

Ever since the victory of the Revolution in 1959, the sugar sector, which is the main source of jobs and income in the country, has repeatedly been a target of

intense and extended attacks by the United States and its agents. As Cuba has repeatedly pointed out, the elimination of the Cuban sugar quota on the United States market and the systematic blocking of international sales of Cuban sugar was not enough for the United States strategists. From the beginning, they unleashed a terrorist campaign of destruction against the sugar cane fields, as well as against the sugar processing plants and storehouses.

As a result of the enactment of the Agrarian Reform Act and other measures designed to promote social justice, the number of pirate flights of regular and small aircraft from United States territory increased as from the second half of 1959; many of those flights had the mission of dropping incendiary substances on sugar cane fields and bombing sugar-processing plants and warehouses in Cuba. These attacks caused millions of pesos worth of losses and seriously interrupted sugar production.

Although the claim recently submitted to this same court against the United States Government by these same Cuban social organizations for compensation for damage and human loss refers to several of the incidents which occurred in the context of this particular type of aggression, it is worth describing some of them here as well. Following is a random sampling of such cases:

On 26 October 1959, an aircraft dropped two incendiary bombs on the Niagara sugar refinery in the province of Pinar del Río. During the same month, the Punta Alegre sugar refinery in Camagüey province was bombed three times, and the Violeta plant was attacked twice.

Beginning in January 1960, when the sugar cane harvest was fully under way, flights over the sugar cane fields increased. On 12 January, 500,000 *arrobas* of sugar cane were set on fire in the areas around the Hershey plant in Havana province. On 18 January, a small aircraft from the United States dropped incendiary substances on sugar cane areas in Rancho Veloz and Quemado de Güines, in the province of Las Villas, causing the destruction of more than 400,000 *arrobas* of sugar cane and two peasant dwellings.

On 28 January, a white two-engine aircraft bearing United States identification number CN-325 dropped incendiary bombs on the sugar cane fields around the Adelaida sugar refinery in Camagüey province, causing the loss of 15 million *arrobas* of sugar cane. The damage was estimated at 2.8 million pesos. After pirate incursions against sugar cane fields in the area around the Corazón de Jesús and Santa Teresa refineries, in Las Villas province, several incendiary bombs were discovered that had been dropped but had not exploded; these bore the inscription "Bristol Marines, Made in USA". On 30 January, more than 50,000 *arrobas* were lost in the Chaparra plant in Oriente province, and on 11 February, over 100,000 *arrobas* were set on fire in Matanzas province.

On 7 February 1960, a small aircraft set fire to 1.5 million *arrobas* of sugar cane around the Violeta, Florida, Céspedes and Estrella refineries in Camagüey. On 23 February, several small aircraft dropped incendiary bombs on the Washington and Ulacia sugar refineries in Las Villas and Araujo, in Manguito, Matanzas province, destroying 6 million *arrobas* of sugar cane. In Manguito alone, losses were estimated at over one million pesos.

In March, the sugar cane fields of the Trinidad refinery in Sancti Spíritus; those of the Delicias and Chaparra (once again) plants in Oriente; Australia and Tinguaro, in Matanzas; and Perseverancia, in Cienfuegos, were attacked. In August,

the sugar cane fields in the area around the Violeta plant were attacked again; many other attacks occurred year after year. Organized mercenary gangs that were financed and armed by the United States were actively involved in all these incidents.

The losses suffered between 1960 and 1965, just as a consequence of the burning of sugar cane fields in the different provinces of the country as a result of pirate attacks and the activities of mercenary gangs organized and financed by the United States, amounted to the equivalent of over 1.5 million tons of sugar. To this must be added the enormous economic losses in production and exports as a result of the countless acts of sabotage against production facilities, agricultural equipment, storehouses and transport facilities that were perpetrated by agents at the service of that country.

No less than 46 major sugar factories were directly attacked, some of them more than once. In the claim submitted by the social organizations named herein, reference is made to around one hundred different attacks against sugar refineries and the substantial material damage they caused. One such case was the attack launched on 18 February 1960 against the España plant in Matanzas province; on that occasion, the aggressor aircraft blew up when one of its own bombs exploded inside it, killing the two crew members. They were identified as Robert Ellis Frost, a United States citizen, and his co-pilot, Onelio Santana Roque, a former member of the repressive forces of the Batista tyranny who had carried out no less than three similar air missions against Cuban objectives from the Tamiami airport in the state of Florida.

The intense campaign launched by the United States Government to incite sugar-industry technicians to emigrate had a serious negative economic impact on the industry, which was also affected by the mobilization of a significant number of workers who were needed for the defence of the country in the face of the continued aggression to which it was subjected.

The attacks and acts of sabotage against sugar cane fields and sugar industry facilities undertaken by the United States against this key sector of the Cuban economy were designed to bring about the breakdown of the sugar economy and with it, of the entire Cuban economic system.

Following are some examples of the countless acts of aggression against other agricultural activities and facilities: In 1960, four tobacco barns were set on fire in Limonar, Matanzas province; in 1963, it was farms, the José Martí farm in Florida, Camagüey province, the Conrado Benítez, in Trinidad, in what is now Sancti Spíritus province, and the Yuri Gagarin in Los Palacios, Pinar del Río province; in 1964, the Hermanos Mayo farm in Las Tunas, and the Julio Antonio Mella farm in Aguada de Pasajeros, in what is now Cienfuegos province; in 1980, the Santa Martha coffee nursery in Guantánamo. In all these cases and many others, the terrorists and saboteurs serving the United States Government caused substantial material damage to facilities, equipment, inputs, crops and agricultural products.

The burning and destruction of a large number of poultry facilities, causing the loss of hundreds of thousands of chickens, equipment, chicken feed and other inputs, caused millions of dollars in losses and seriously affected production and consumption. Among many others, the following farms were attacked: a chicken farm in Madruga, Havana province, in 1960; several pig and chicken farms in Martí,

Matanzas province, in 1963; in 1964, the El Cubano facilities in Pedro Betancourt and the España farm in Perico, Matanzas province; in 1965, fifty poultry farms in Martí; in 1980, the Buena Vista farm in Santiago de las Vegas.

The fisheries sector has also suffered some of the most serious provocations, terrorist attacks and aggressions of all those planned by the United States Government against Cuba. This sector, of course, is a crucial one in that it produces food for the people and generates foreign-exchange income. Hence, it has been a favourite target of United States terrorism, particularly in view of its vulnerability, since many of the facilities, such as high-sea fishing vessels, operate in isolation and at a considerable distance from the national territory.

A total of 294 fishing boats of different sizes and different types — tuna, lobster, shrimp, scaly fish, turtles, sponges and other high-sea and ocean-platform varieties — have been targets of different types of attack. Some of these vessels have been destroyed or sunk, others have been seriously damaged, and many have been captured and taken to United States territory; of these, many have never been returned to Cuba.

The incitement to emigration and the continued illegal radio broadcasts from the United States against Cuba for the purpose of encouraging Cubans to emigrate illegally, under cover of the so-called Cuban Adjustment Act, which provides that people arriving in the United States from Cuba are immediately granted work permits and receive immigrant visas after one year, and the impunity enjoyed by individuals who hijack boats to go to the United States, and even commit murder in the process, have provided a strong incentive for the hijacking of Cuban fishing, recreational and other types of vessels. By promoting illegal emigration, the Government of the United States has incurred civil liability for the economic damage caused by these actions. The fisheries sector is not the only one that has suffered, inasmuch as many vessels engaged in transport, tourism or construction, to mention only a few other sectors, have also been hijacked.

It would take too long to enumerate the many Cuban vessels that have been attacked on the high seas or hijacked and taken to United States territory, where the hijackers have invariably enjoyed full impunity. Following is a list of just a few especially significant cases.

On 13 February 1962, the fishing vessels *Sigma I* and *Sigma V* were attacked at Cay Sal Bank. On 13 October 1962, it was the turn of the fishing vessel crewed by Filiberto Suárez Lima and Miguel Medina; both of them were wounded, their boat was sunk and they were abducted and taken to Miami. They were not freed until 30 days later.

On 13 February 1963, the fishing vessels *Sigma XV* and *Sigma II* were seized and taken to Elbow Cay, in the Bahamas. The fishermen Armando and Ramón López Ruiz were wounded and abandoned to their fate by the pirates, who had come from United States territory. They were rescued some days later by units of the Revolutionary Naval Forces.

On 20 November 1968, the Cuban motorized fishing vessel *Alecrín* was shelled 100 miles from the coast of Venezuela. On 10 May 1970, the fishing vessels *Plataforma I* and *Plataforma II* were seized and their 11 crew members were taken to a small island in the Bahamas, where they were rescued some days later.

On 23 February 1971, the United States Coast Guard vessel *Cape York* seized four Cuban fishing vessels in international waters, and their crew members were accused of having fished in United States waters. The four captains and 47 fishermen were fined, and on 2 May they returned to Cuba, where they were welcomed by large numbers of people in front of the former United States embassy building. During their captivity they were harassed, interrogated harshly and urged to desert. A similar act of aggression was committed on 26 May 1971 against four smaller boats belonging to two fishing vessels which were working in international waters to the west of Dry Tortuga.

On 10 October 1972, the crews of two armed patrol boats boarded the fishing vessels *Aguja* and *Plataforma IV* near the coast of the island of Andros, captured the fishermen, blew up the boats and sank them. The 11 Cuban fishermen, adrift in a small boat, were rescued on 13 October by a Bahamian helicopter. A year later, on 4 October 1973, the Cuban fishing vessels *Cayo Largo 17* and *Cayo Largo 34* were attacked by two gunboats, the crews of which murdered the fisherman Roberto Torna Mirabal and abandoned the others on rubber rafts without food or water.

The fishing vessels *Ferro 119* and *Ferro 123* were attacked on 6 April 1976 in international waters between the Anguila Isles and Cay Sal, in the Bahamas. In this cowardly attack, the fishermen Bienvenido Mauriz Díaz and Luis Orlando Díaz Pérez were murdered and two other crewmen were wounded. The wounded men and the remainder of the two crews were abandoned to their fate; they were rescued by another Cuban vessel and a merchant ship flying the Norwegian flag.

Many vessels have been seized in Cuban ports or Cuban waters for the purpose of taking them to United States territory. They include, for example, the lobster-fishing boat *Olguita*, belonging to the Batabanó fishery cooperative, the seizure of which in April 1962 caused the death by drowning of the Cuban citizen María Cabrera García; the *Conchita*, of the La Coloma fishery cooperative, seized in Pinar del Río on 11 November 1964; the *Santa María*, belonging to the Pinar del Río fishery cooperative, seized in 1967, and the shrimp-fishing vessel *Martín Gutiérrez*, of the Gulf Fleet, which was taken to Key West on 27 April 1969. Also seized were the grouper-fishing boats of the Batabanó fishery cooperative, on 17 May 1991; the Isla de la Juventud fishery cooperative boat no. 10, on 13 November 1991; the fishing vessels *La Luz*, *Elba*, *Tilapia*, *Carpa* and *Patria*, of the Asociación Pesquera Acuabana, between late 1993 and early 1994; and the boats *Lambda 319*, on 3 May 1993, and *Lambda 329*, on 13 June 1993, both belonging to the Havana Gulf Fleet.

The aforementioned cases are part of a long list of acts of piracy promoted or incited under the hostile policy which has been systematically pursued by the United States for four decades. There is not a single case in which those acts have been punished by any court in the United States.

In addition to considerable numbers of human casualties, acts of aggression against Cuba's fishing vessels and installations have caused economic losses estimated in the hundreds of millions of dollars and have seriously affected the supply of an important foodstuff and source of protein for the population. A fishing vessel is like a food production plant. Its destruction, theft or seizure cannot therefore be considered solely in terms of the economic impact caused by the loss or unavailability of an asset. Stopping the work of a fishing vessel not only deprives the country of valuable products which could be exported; it also significantly affects the availability of food for the population.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (XIII)

Seventeenth: The industrial sector — the key element in the country's economic development, which has undergone favourable and important structural change since the triumph of the revolution — has been systematically subjected to various levels of aggression by the United States and its special intelligence agencies. The various branches of basic national industry have been the target of acts of piracy, sabotage and terrorist attacks which have caused substantial material damage to industry itself and have had negative repercussions for the rest of the country's economic activity, such as the electricity and fuel industries.

Sabotage and terrorist actions carried out against electric power lines, transmission and distribution networks and electricity generating plants have interrupted the electricity service affecting both the residential sector and production and the service sector. The damage caused relates not only to the industry in question but also to the damage done to the country's economy in terms of energy not provided, which affects other production and service activities and the population in general. Sabotage of lines and networks has left densely populated localities, where various industries have become established, temporarily without service. The Tallapiedra thermoelectric plant, in Havana, was the subject of a terrorist attack, while the 10 October power station, in Matanzas, suffered sabotage to one of its boilers.

On 13 March 1961, one month before the mercenary attack at Playa Girón, an armed pirate boat attacked the Hermanos Díaz oil refinery in Santiago de Cuba, causing damage to technical facilities and various tanks. The action led to human casualties. The same year the Ñico López refinery in Havana was attacked on two occasions.

On 18 August 1963, the port of Casilda, in Cienfuegos, was attacked by a pirate boat which fired on 24 rail wagons carrying fuel, hitting one of them and setting it on fire. Other terrorist actions have been carried out against tanker lorries and petrol service stations at various places in the country, causing serious material damage.

On 25 October 1962, production at the Matahambre copper mines in Pinar del Río was paralysed by attempted sabotage. In the same area on 19 August 1963 two armed pirate boats attacked the Patrice Lumumba sulphur plant, causing considerable damage to the facilities.

On 13 November 1966, a pirate aircraft dropped three bombs on the Cubanitro Cepero Bonilla plant and the Frank País fertilizer factory in Matanzas. On 8 August 1968, the same Cubanitro enterprise's fertilizer production was sabotaged. Other basic industry activities, such as rubber and paper production, the printing industry and the rayon industry, were the objects of sabotage at several facilities.

In general, it has been possible to gather information regarding more than a hundred factories and facilities in other branches of industry throughout the country which have been subject to terrorist action, sabotage and arson. In some cases, these actions caused the total destruction of the facilities, while in others they paralysed production for long periods, interrupted production and services and caused considerable losses in terms of damaged assets and lost production.

Now for a very brief account of some of these terrorist actions: in 1960, sabotage of the Mayabeque textile mills in Havana province and the sabotaging with glass of soap production at the Gravi factory in Jovellanos, Matanzas province; in 1961, fires at the O. K. mattress store and Bodegas Morera distillery in Lawton, both in the city of Havana, and the destruction of the La Campesina canning factory in Colón, Matanzas province; in 1962, there was a terrorist action with live phosphorus in the doll factory which had opened recently in Madruga, Havana province; in 1965, production was sabotaged at the Arrechabala distillery at Cárdenas in Matanzas province; in 1968, the Patrice Lumumba tannery at Caibarién and the bird feed factory in Santiago de Cuba were set alight and destroyed; the René Bedia phosphorus factory and the Sergio González factory of the Graphic Arts Enterprise, both in the city of Havana, were totally destroyed by fire, in 1970 and 1976 respectively.

Eighteenth: United States plans to destabilize the Cuban economy through sabotage and aggression focused particularly on transport and trade as links between the various activities and areas of the economy.

Air transport felt the direct impact of the policy of aggression towards Cuba as part of a systematic effort to isolate the country at the international level and to block all lines of communication and other links between it and the rest of the world. The Cuban civil aviation industry played an important role in countering the plans of the country's northern neighbour and, in recent years, has been an active participant in the development of the tourist sector, significantly increasing the number of visitors transported to Cuba and broadening its list of destinations to include various countries throughout the world.

For this reason, another of the weapons most often used against the Revolution has been the hijacking of, and attempt to sabotage, Cuban aircraft and ships. The first such events took place as early as 1959. For example, on 10 October of that year, a Cubana de Aviación DC-3 was hijacked in mid-air by several terrorists armed with pistols and hand grenades, who forced the crew to fly off-course to Miami. Neither the hijackers nor the airplane were returned.

In all, 78 aircraft of various kinds have been the object of terrorist acts, hijacking attempts and hijackings, often accompanied by the use of violence and loss of human life. Some of these aircraft have been destroyed or severely damaged; a significant number of the aircraft which have been hijacked and taken to the United States have not been returned by the Government of that country.

Various such acts, some with other, more serious consequences, occurred in 1960. On 5 July, a Britannia aircraft belonging to Cubana de Aviación was hijacked during a regularly scheduled Madrid-Havana flight and on 14 October, six Cuban airplanes were hijacked in a single operation. On 29 October, nine terrorists hijacked a DC-3 during a regularly scheduled flight from Havana to Nueva Gerona; a soldier, Cástulo Acosta Hernández, was killed and the pilot, Candelario Delgado, and a 14-year-old boy, Argelio Rodriguez Hernández, were wounded. On 8 December, there was another attempted hijacking of a Cubana de Aviación DC-3 on a regularly scheduled flight from Santiago de Cuba to Havana; however, the attempt was frustrated by the courageous action of the pilot, Francisco Martínez Malo, who received wounds from which he later died.

On 3 July 1961, a Cubana de Aviación DC-3, en route from Havana to Santiago de Cuba with 16 passengers, was forced to detour to Miami. The airplane was held and, later, arbitrarily sold by the United States authorities. On 9 August of that year, a C-46 ship (registry CUT-607) was hijacked; the pilot, Luis Alvarez Regato, and a security officer, Silvino Rómulo Sánchez Almaguer, were killed.

Between September and December 1961, six other light planes were stolen from Cuba. In these cases, as in that of the acts resulting in death or various degrees of injury to the crew or passengers, the United States authorities again granted impunity to the hijackers, totally ignoring Cuban demands for the return of the persons responsible for these crimes and of the hijacked aircraft.

Another seven Cuban light airplanes were hijacked between 1962 and 1965. In every case, the hijackers took the aircraft to United States territory. Another serious event was the hijacking of a crop-duster and the murder of the person responsible for it, a soldier named Elúcido Torres, on 8 July 1966 near Bayamo.

In its lunatic policy against Cuba, the United States Government instigated and promoted air piracy and the hijacking of aircraft; these acts subsequently gave rise to an international wave of piracy that poses a great threat to the air safety of international flights and has affected many countries, including the United States itself.

After an agreement between Cuba and the United States on the hijacking and commandeering of aircraft, proposed by Cuba, was signed in 1973, the CIA changed its strategy and ceased promoting aircraft hijacking; instead, terrorist groups historically linked to the Agency began to plot even more sinister and criminal forms of attack on air transport.

On 9 July 1976, a bomb exploded in a suitcase that was about to be loaded on a Cubana de Aviación commercial flight in Kingston, Jamaica. Had the flight not been delayed the bomb would have exploded when the aircraft was already in the air.

But the sinister plan bore dramatic fruit on 6 October 1976. A bomb placed on board a Cubana de Aviación flight (CUT-1201) exploded minutes after the aircraft had taken off from the airport in Barbados. The criminal sabotage resulted in the death of all 73 passengers: 57 were Cubans, including the young members of a fencing team. The self-confessed authors of this heinous crime had been hired by two of the most notorious Cuban terrorists with CIA associations: Orlando Bosch Avila and Luis Posada Carriles. Although the individuals with primary responsibility for this barbarous terrorist act were arrested and tried in Venezuela, they ultimately escaped justice with the help of the CIA and the Cuban American National Foundation. At that time, the property damage caused by this barbarous action, one of the most atrocious acts of the dirty war against Cuba, was conservatively estimated at US$ 1.3 million.

In the early 1990s, there were several more aircraft hijackings involving small crop-dusters and a Revolutionary Air Force combat aircraft stolen by a traitor. On 29 December 1992, an Aerocaribbean AN-26 with 47 passengers on board was hijacked and taken to Miami. On 7 July 1996, an AN-2 aircraft was hijacked in Santiago de Cuba and taken to the Guantánamo naval base. The hijacker was acquitted after a trial held in the United States.

Maritime, road and rail transport have also been the object of attacks and sabotage committed or instigated by the United States Government. In the area of maritime transport, merchant vessels have been the victims of pirate and other attacks; pleasure boats, tugboats and other craft have been attacked or hijacked and taken to United States territory and port facilities have been the target of terrorist acts and sabotage. No fewer than 36 Cuban vessels have been attacked; ships flying the flags of other countries and carrying goods bound for Cuba have also been subjected to terrorist acts and attacks.

One of the first terrorist acts committed against merchant vessels carrying cargo bound for Cuba was the above-mentioned attack on the French steamship, *La Coubre*, on 4 March 1960. Twenty days later, during the hijacking of a yacht, rebel soldier Raúl Pupo Morales was killed.

On 12 May 1962, Coast Guard launch SV-28 was the victim of a surprise attack by a ship armed with heavy artillery and owned by the terrorist group, Alpha 66. Three crew members were killed and another five were injured. The organization, whose ships sailed from the port of Miami in full view of the United States Coast Guard, claimed responsibility for other similar acts, including machine-gun attacks on merchant ships of other countries, during the following months.

Another serious act of provocation occurred on 23 February 1963 when the Cuban coastal schooner, *Joven Amalia*, was pursued and attacked in Cuban waters of Oriente Province by the United States destroyer, *Harold J Allen*. On 27 December of that year, CIA saboteurs blew up a Revolutionary Navy launch moored on the Isla de Pinos in Siguanea Bay, killing three sailors.

Another type of aggression was introduced on 9 August 1964 when the Cuban merchant vessel, *María Teresa*, became the object of a terrorist attack while moored at the port of Montreal, Canada. On 12 September of that year the Spanish ship, *Sierra de Aranzazu*, carrying a cargo of toys bound for Cuba, was attacked in international waters north of Maisí; the captain and two crew members were killed.

During the 1990s there were no fewer than 12 hijackings and attempted hijackings of vessels. In 1994, several small passenger boats and tugboats were commandeered in Havana Bay; one such hijacking resulted in the sinking of the tugboat, *13 de Marzo*, which unleashed a virulent campaign of lies in the United States media.

On 8 August 1994, a Revolutionary Navy ship was hijacked and Lieutenant Roberto Aguillar Reyes was killed. The murderer/hijacker fled to the United States, where he remains at liberty.

Various forms of attack or sabotage have also targeted passenger, rail and truck cargo transport, placing a large number of vehicles out of commission. These attacks were part of the plans to destabilize the economy by disrupting foreign trade, the flow of goods on the internal market and public transport. The economic impact on this sector of the economy is considerable; however, the repercussions on other economic activities and services and in terms of the damage to the population are even greater.

Damage to trade and goods distribution was one of the objectives of the terrorist strategy, which was aimed at destabilizing the economy and, in particular, the distribution of goods to the people. Hundreds of stores selling manufactured

goods and food in both urban and rural areas throughout the country, department stores and rural shops known as "people's stores" have been sabotaged, destroyed or looted by terrorist agents working for the United States Government, including members of the armed mercenary gangs organized and supported by the CIA in the 1960s.

Some of the most striking cases of sabotage and terrorist acts committed against dozens of large and medium-sized stores in Havana and in almost every other major Cuban city are mentioned elsewhere in this submission. The property damage caused by these acts has been very costly.

The restrictions imposed by the United States blockade and policy of isolating Cuba from its geographical neighbours, which, as has been seen, caused it to trade with distant partners, together with the constant attacks on the nation and its agents which have forced Cuba to keep large stocks in reserve for emergencies, have made it necessary to build many warehouses throughout the country. These stocks, which were meant to guarantee the provision of goods required for normal functioning of the economy and the supply of food for the population have also been attacked by the United States and its agents.

No fewer than 37 warehouses servicing different sectors of the economy were the objects of terrorist acts, sabotage and fires that caused considerable loss of property and had a major impact on production and services owing to delays in replacing the destroyed goods.

The warehouses destroyed by fire in 1961 alone included four potato storage sheds in the town of Juan Abrahantes, Madruga; a supplies warehouse in Jagüey Grande; a warehouse storing rolls of paper in Franco y Clavel, in which a worker, Carlos Rodríguez, was killed, as stated above; a cotton warehouse in Luyanó; and a tobacco warehouse in central Havana. The Regalías El Cuño cigar warehouse on the corner of Clavel and Mercado streets, Havana, was also attacked and one of its workers, Lázaro García, was killed.

In 1963, the Quintero fertilizer warehouse in Jagüey Grande; the Elia warehouse in Las Tunas, in which cotton, grain and other goods were stored; the Camilo Cienfuegos cooperative warehouse in Cifuentes; a fertilizer warehouse at the Guasimal farm in Sancti Spíritus; and other similar buildings were destroyed. In 1964, the José Antonio Echeverría Company's Warehouse No. 27 in Cárdenas, in which hundreds of barrels of sodium hydrosulfite were stored, was destroyed and in 1966, a warehouse of the Cuban Cinematographic Institute in Havana was burned.

In 1968, a major fire was set in a leather warehouse on El Cerro St., Havana and in Camagüey, a garment and textile warehouse was destroyed. In 1970, arsonists destroyed a shoe warehouse and a mattress warehouse belonging to the teacher training school in Guantánamo and a sugar warehouse in the port of Isabela de Sagua was totally destroyed at a cost of millions.

In 1976, an educational materials warehouse in Marianao was destroyed; in 1978, a food factory warehouse in Banes, Holguín was burned; and in 1980, the Máximo Gómez company's sugar warehouse in Chambas and the Ministry of Construction ECOA #10 central warehouse in Pueblo Nuevo, Matanzas were also burned.

Most of the various terrorist attacks, of which a few have been mentioned above, have not only destroyed buildings; they have also resulted in the loss of products and equipment for public production, service and consumption at a cost of millions; this in turn has seriously affected production and services by temporarily interrupting or halting the provision of supplies.

Tourism, owing to its potential to bring large amounts of currency into the country, has been a priority target for terrorist plots in recent years. Although the planned and executed attacks on tourist facilities, some of the most significant of which have been mentioned above, have resulted in considerable damage to property and even loss of life, their primary objective was to provoke terror, discourage potential investors in other countries from carrying on business in Cuba and deter tourists from other parts of the world from visiting the country. The intent was to deprive Cuba of the foreign currency it needs in the current economic situation, in which the tourism sector plays a major role in generating income and helps stimulate other important economic sectors during the process of economic recovery and renewed participation in the international economy.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (XIV)

Nineteenth: The mercenary and fascist essence of the policy of hostility practised by the Government of the United States against Cuba is clearly manifested in aggression against the educational system developed by the Cuban Revolution, which, among other extraordinary achievements, has eradicated illiteracy and has the highest ratio of teachers per capita in the world.

While Cuba was working to bring education to all the people and accomplish the unprecedented feat of full literacy, mercenary gangs and other agents in the service of the United States were attacking and burning schools, destroying books and educational infrastructure and murdering teachers and students. To date it has been possible to gather verified information on a total of 135 urban and rural schools which were targets of aggression by terrorist agents in the service of the United States Government.

Many of these facilities were small, humble rural schools, of primitive construction, located in the mountains or remote areas, whose principal value was not their cost but the social role they played in the community. When they were destroyed, the children of the area had no other nearby school they could go to and thus were deprived of schooling until another building could be built. Nevertheless, in many of these remote areas, the local people improvised classrooms in their own homes so that the children could continue to receive their education.

In their efforts to attack all manifestations of the social life of the Cuban people, the aggressors have also directed their terrorist activities against clearly cultural targets. A total of 30 theatres and cinemas in the country have been destroyed or damaged by terrorist acts of agents in the service of the United States. These acts have been perpetrated against facilities where there is usually a large audience in attendance, which clearly proves the criminal nature and lack of any human feeling on the part of the mercenaries used by the United States against our people. One example was the barbaric sabotage carried out in Pinar del Río's Riesgo

cinema on 28 May 1961, during a children's performance, which left 26 children and 14 adults injured and caused major damage.

The effects on this sector of cultural activity, where many facilities were totally destroyed by these terrorist acts, are not limited to the material damage to the facilities and equipment — in itself quite extensive — or the lost income. The greater damage done to the people was to deprive them of cultural and recreational activities, limit their cultural development and hinder their full spiritual development.

The facilities that were targets of aggression in 1960 — through sabotage or arson — include the Lido, Manzanares, 23 y 12, La Rampa and Candido cinemas in Havana and the Apolo and Rex theatres in Jovellanos, Mantanzas province. In 1961, in addition to the incident at the Riesgo cinema in Pinar del Rio, a bomb injured one person at the Patria cinema, there was a fire at the Negrete theatre and a huge blaze destroyed the theatre at the Cuban Workers' Centre (CTC) in Havana. In 1975, the Infanta cinema, also in Havana, was sabotaged and totally destroyed by fire.

The facilities of the mass media — radio, television and the press — have also been targets of terrorist acts with the aim of depriving the people of all sources of information and guidance. For example, the sabotage in 1960 of the country's largest radio and television broadcasting station, CMQ, at the time practically the only one broadcasting nationally, brought the television system to the brink of collapse; despite significant damage to the facilities and equipment and the lack of replacement parts, this was averted thanks to the initiative and professional skill of the station's technicians. Other facilities, such as the buildings housing the newspaper *Revolucion*, the magazine *Verde Olivo* and other press organs, were also targets of sabotage and terrorist acts.

Aggression and terrorist acts were committed not only against production and service facilities but also against the people who saw their personal property and heritage damaged or destroyed. Agents in the service of the Government of the United States attacked the homes of hundreds of labourers and peasants; the great majority of these dwellings were burned and destroyed, along with the goods and belongings in them, by mercenary gangs or as a result of clandestine attacks by vessels or aircraft coming from the United States.

Twentieth: One of the most cowardly manifestations of the policy of aggression against Cuba conducted by the terrorist organizations sponsored by the CIA were the attacks and other violence against Cuban officials and offices located in other countries. The terrorist agents, fearful of the efficient response of Cuban security forces, were more comfortable conducting their criminal activities outside Cuban territory; moreover, because of the ties established by United States special services, the Governments of some of the countries where these attacks took place might be more tolerant or even supportive.

A high number of terrorist acts were perpetrated against Cuban diplomatic, consular and trade offices, in various countries, not only claiming victims but also causing considerable damage to the offices and other property. These acts, many times carried out by mercenaries belonging to terrorist organizations of Cuban origin based in the United States and other agents trained and financed by the special agencies of that Government, were directed not only at our diplomatic and trade representations abroad, but also at commercial institutions of third countries which

maintained ties with our country, the aim being to sow fear among those businessmen, to terrify them and create outside the country an image of Cuba as an unstable place, uncertain about its future, so as to damage its political, economic and foreign trade relations.

The first such acts occurred only a few weeks after the triumph of the revolution in Cuba. On 5 June 1959, the Cuban Embassy in Santo Domingo was attacked by counter-revolutionary elements. One child, Ovidio Mendez, a Dominican, was killed and two Cuban diplomats, Juan José Díaz del Real and Mario Rivas Patterson, were severely beaten. That same year the Cuban consulates in Miami and New York were attacked, as were the embassies in Haiti and Guatemala. On 4 August 1959 two C-46 aircraft which had been purchased by the government of Fulgencio Batista before it was overthrown and which had not yet been delivered to Cuba were blown up in a hangar at the Miami airport.

Between 1960 and 1964, there were 59 significant attacks on Cuban diplomatic personnel and offices. On 15 March 1963, the diplomatic couriers Juan de Dios Mulén Quirós and Enrique Valdés Morgado died when the Bolivian commercial airliner on which they were travelling was sabotaged. Those were the first Cuban fatalities in this phase of the dirty war against Cuba but they were not to be the only ones.

On 3 April 1967, the chargé d'affaires of Cuba to the United Nations, Nicolás Rodriguez, was wounded in his office by the explosion of a device concealed in a book sent to the mission. Exactly one month later a fragmentation bomb exploded in the garden of the Cuban Embassy in Mexico City, injuring four people and causing considerable damage.

In the years that followed, other terrorist bombings occurred. On 4 April 1972, a device exploded in the headquarters of the Cuban trade office in the Canadian city of Montreal. One official, Sergio Armando Perez Castillo, died in the blast, and seven others were injured. The building was severely damaged.

Cuban offices in Santiago, Chile were the target of three dynamite attacks in 1973. It was determined that the explosive caps used were similar to those the CIA had supplied to agents for use in Cuba. On 3 December of that year, a powerful time bomb caused major devastation in the offices of the Consulate of Cuba in Mexico City.

During these years, coinciding with the establishment of the counter-revolutionary organization with a marked terrorist slant, known by the acronym CORU, violent acts against Cuban facilities abroad escalated, both in number and in intensity. In 1974, there were 51 terrorist attacks in Mexico, Peru, Jamaica, Spain, Great Britain, France, Venezuela and other countries, 29 of which were against Cuban interests directly. On 28 November 1975, the car of the Cuban ambassador to Mexico, Fernando Lopez Muiño, was destroyed by a bomb. In 1976, there were 53 terrorist attacks, 28 of them against Cuban interests in New York, Portugal, Mexico, Spain and other countries. Some of them took a regrettable toll in human victims. All resulted in considerable material damage. On 6 June of that year, an explosive device planted in the Cuban Mission to the United Nations in New York caused extensive damage. On 7 November, in a terrorist act for which CORU publicly took responsibility, a bomb destroyed the offices of Cubana de Aviación in Madrid and damaged three adjoining buildings.

Between 1977 and 1980 another 96 terrorist attacks were recorded, perpetrated in different countries by terrorist groups linked to the CIA. Of them, 24 were directed against Cuban interests, including three attacks on ships anchored in foreign ports. On 22 July 1977, the fishing boat *Rio Jobabo* was sabotaged and sunk in the Peruvian port of El Callao. Another of the most serious acts was the burning of the vessel *Mar Caribe* on 14 February 1978 in the Spanish port of Vigo. Again in El Callao, on 10 October 1997, an explosive device went off in the vessel *Rio Damuji* causing considerable damage.

It is significant that during these years almost half of the acts of this type were targeted at Cuban diplomatic offices in Washington and New York, during a period of relatively low tension in the relations between Cuba and the United States during the administration of President James Carter. More recently, the incidents of bomb attacks on some Cuban trade offices in Latin America, executed by the terrorist network led by Luis Posada Carriles, indicate that this method of aggression against Cuba has not been abandoned by our enemies.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (XV)

Twenty-first: From 1962 until the present day, the Government of the United States of America has used recourse to biological aggression as one of the principal weapons in its dirty war against Cuba, resulting in substantial damage to the Cuban economy and, far more serious, to the health and life of its citizens. At the economic level, this biological war has primarily been targeted against the Cuban agricultural and livestock sector, with the aim of sabotaging the population's sources of food, undermining revenue from the export of agricultural products and causing substantial losses through lost production and expenses incurred in combating the introduced infestations and diseases.

A document entitled "Project Cuba", dated 18 January 1962, sets forth the aims and the 32 original tasks of what subsequently became known as Operation Mongoose. For task 21, it states that, on 15 February 1962, the CIA would submit a plan to disrupt the harvest of food crops in Cuba. The following two sections of the declassified text of this document, which might be expected to clarify the method to be used in pursuit of this objective, appear to be censored: clearly their content was so repugnant that even the officials responsible for declassifying the document saw fit to keep that part of it secret.

In the light of this disclosure, it is hardly coincidental that, also in 1962, there were simultaneous outbreaks of Newcastle disease in poultry flocks in the provinces of Pinar del Río, La Habana, Matanzas and Oriente. Subsequent research established that the emergence of this disease was the result of sabotage carried out in a laboratory of the National Institute of Agrarian Reform on a vaccine against avian pox, and the distribution and application of this sabotaged vaccine caused the death of more than 1 million birds across the country. The economic impact, from the loss of production and the clean-up costs, amounted to 3.36 million pesos at current values. This was the first recorded case of the use by the CIA of biological aggression against the economy of Cuba.

In 1971, the first outbreak of African swine fever was recorded in the municipality of Boyeros, in the former province of La Habana, from which it spread throughout the province and to certain areas in the province of Pinar del Río. The cause of this serious disease affecting pigs was the introduction into Cuba from Fort Gulick, an American military base in the Panama Canal Zone, of a highly pathogenic virus brought in by a CIA agent, as was unequivocally established and subsequently conformed in international press reports, after the agent himself had publicly admitted to the deed. To prevent the disease spreading, some 500,000 pigs had to be destroyed, which entailed the loss of millions of pesos to the Cuban economy through the loss of the animals themselves, the slaughtering costs, the costs of conducting the campaign, the payment of compensation to private farmers, and the impact on the quality of the national herd and on its future development. It is impossible to quantify the impact in terms of food security for the population caused by the decimation of the national pig herd.

In January 1980, the presence of this disease was detected and confirmed in all the municipalities adjacent to or near the territory occupied by the United States naval base in Guantánamo Bay. On this occasion, 297,037 pigs had to be slaughtered. As before, the economic impact from the loss of animals, payment of compensation to private farmers, costs of the campaign and foreign trade losses was substantial. Still more serious, however, was the effect on the future development of the national pig herd, as an important and strategic sector in the country's food security.

In September 1973, the presence of sugar-cane rust, one of the most aggressive diseases affecting sugar cane, was detected in some sugar-cane-growing areas of Holguín province. The blight, which soon spread throughout the country, had a particularly severe effect on the Barbados 4362 variety, which, at that time, was the main variety grown in Cuban plantations. The sudden outbreak and extreme virulence of this disease, the way it spread almost instantaneously and the lack of any correspondence between the distribution of outbreaks and the prevailing air currents indicated, from the very outset, that this infestation was not attributable to natural causes. The emergence and spread of sugar-cane rust necessitated the immediate destruction of 34 per cent of the national sugar-cane crop and its replacement by other varieties with greater resistance to the disease but inferior in terms of their agro-industrial properties. Over the following years, sugar-cane rust had serious effects on the economy. The 1980-1981 harvest alone lost almost a million tons of sugar.

Tobacco blue mould was detected in November 1979, in the province of Villa Clara. This disease had already been reported in Cuba in 1957, when it was connected with the use by our farmers of shade cloth imported from the United States, where the disease was fairly widespread. Subsequent appropriate action eliminated the sources of the disease and no further instances were reported. The way in which the disease was propagated and the fact that it broke out almost simultaneously in several places scattered over a wide area suggested that the fungus could have been disseminated deliberately from the air.

The economic impact of the blue mould plague was so massive in the 1979 tobacco season that, by conservative estimates, losses amounted to almost 350 million dollars for that year alone, due to reduced exports and the impact on local consumption, which had to be met to a large extent through imports — the first time

in its history that Cuba had ever had to report to such a step. Exceptional and very costly measures had to be taken to eradicate the disease, involving the import of phytosanitary supplies to combat and prevent the reappearance of the plague, and the payment of subsidies and compensation to producers. The country's economy was affected not only by the multi-million dollar loss of export revenues, but also by the defection of traditional buyers to other producers in competition with Cuba, necessitating special promotion campaigns, which entailed further costs.

The most sinister act of biological warfare perpetrated by the Government of the United States against the people of Cuba was the introduction of dengue haemorrhagic fever to Cuba in 1981, resulting in an epidemic which caused the death of 158 people, including 101 children. The virus stocks subsequently isolated were genetically remote from those which at that same time had been moving across other Caribbean countries, but were, on the other hand, related to laboratory virus stocks which had been exclusively developed in centres in the United States. Moreover, the three primary focuses, which had no epidemiological connection with one another, were situated within a few kilometres of two of the three air corridors across the island. Later it was also established that a vaccination exercise had been conducted against the disease at the Guantánamo naval base earlier that year, and that, throughout the course of the epidemic in Cuba, there was not a single case of dengue at the base. On the basis of all these considerations, it was possible at that time categorically to establish that the introduction of the type 2 dengue virus to Cuba in 1981 was not a natural phenomenon. This was later confirmed by the confession of one of the ringleaders of the terrorist organization Omega 7, who had been working for the CIA.

Through their immediate, vigorous and comprehensive response to the rapid propagation of the disease, which resulted in 344,203 reported cases, the Cuban authorities were able completely to eradicate the epidemic within four and a half months. The campaign against dengue cost Cuba a total of some 103.2 million dollars, at prices current at that time.

That same year saw an outbreak in Cuba of haemorrhagic conjunctivitis, caused by the pathogen enterovirus 70, which, according to the Pan American Health Organization (PAHO), had never before been found in the hemisphere. We should also note the outbreak of dysentery at the same time in the province of Guantánamo, site of the United States naval base, which led to the death of 18 children and was caused by the shigella bacteria, which had never previously been reported in the country.

Also in 1981, on 4 August, the viral disease known as bovine nodular pseudodermatosis was detected in the province of Villa Clara and spread through nine provinces in just 21 days. This disease, endemic in Africa, had never before been found in Cuba. Its aetiological agent had been isolated in Italy and in the United States, but the authorities of those countries had omitted to officially inform the international health authorities of their action. At the time, work was under way on the virus in the Plum Island Animal Disease Centre, situated in the United States. The battle against this disease cost Cuba a great deal of money. Given the clinical properties of the disease, strict quarantine measures had to be taken, the beef herd had to be immobilized and milk production eliminated in the 2,895 detected sources, which had a total of 226,181 diseased animals. All these measures caused substantial economic losses and seriously affected the supply of milk and its

consumption by the Cuban people. The effects of this disease continue to cause considerable losses to the economy.

We should also note that, at this time, Cuba had made significant advances in cattle genetics, and was steadily changing the structure of the national beef herd in favour of breeds with superior meat and milk production properties. Massive investments had been made in infrastructure and equipment. There had been a steady increase in the production of milk, an essential food item for the general population and, in particular, for children, the sick and the elderly.

Another suspicious cattle disease — ulcerative mammalitis — was detected on 4 April 1989 in the province of Granma; it spread rapidly to adjacent areas. Similar outbreaks were also recorded, however, in the distant provinces of La Habana and Pinar del Río, showing a completely abnormal pattern of propagation. This disease has a high morbidity rate — 80 per cent — and causes a 25 per cent reduction in milk production. The sick animals need special treatment, involving isolation and intensive disinfection and quarantine measures. Since the emergence of this disease, which has still not been totally eradicated, some 400 focuses have been identified. Added to the losses in milk production are the costs of medication, disinfection and other essential treatment measures and actions.

In the 1990s, Cuba's trade and other relations with the countries of Eastern Europe and the former Soviet Union — its main partners in those areas — collapsed and the country's agricultural and livestock sector now faced an unprecedented challenge. On the one hand, the income which had traditionally been available to Cuba to maintain its agricultural and livestock production both for export and for domestic consumption was substantially reduced and, on the other, domestic demand had increased, due to the restrictions on food imports resulting from new measures taken by the United States Congress and Administration.

In these difficult circumstances, the agricultural and livestock sector became one of the chief targets of United States aggression, in particular, the biological warfare waged against Cuba with an intensity and on a scale hitherto unknown by any country in the world. A major effort was made in Cuba to develop what was known as the National Food Programme, which was designed to achieve, within a reasonable period, food self-sufficiency as regards the main food items. This programme assigned particular importance to the production of bananas and plantains, and large plantations were established for the crop in different areas of the country.

In October 1990, the plantain disease black Sigatoka was detected in the province of Camagüey. This disease had never before been reported in Cuba and the coincidence between the timing of its appearance and the work under way at that time to expand and optimize the production of bananas and plantains was suspicious. The initial centres of infection were situated very close to the Maya international air corridor. To date, the introduction of this infestation to Cuba has caused expenses and losses amounting to more than 100 million dollars. Between 1990 and 1995 the country's total area under banana clones of the AAB group was reduced by 77 per cent. In addition to the severe adverse impact on production and supply, the losses in economic production and the cost of supplies used to combat the disease, damage was also caused to the campaign to develop and expand production of a basic component of the Cuban diet.

Citrus production is one of the economic activities in the agricultural sector which has been extensively developed during the Cuban Revolution. In the 1980s, annual production reached approximately 1 million tons and exports surpassed half a million tons, with the prospects of still further expansion. In the difficult economic situation facing the country in the early 1990s, citrus production should have played a prominent role as a source of export revenue and in meeting the food needs of the Cuban population.

In December 1992, the presence of the black plant louse, the most efficient vector of the disease known as citrus tristeza, was detected in plantations in Caimanera municipality, within which the American naval base is situated. This insect had not previously been reported in the country. One year later, citrus leafminer was reported in La Habana province and, four months after this, the leafminer blight had spread through the country from Pinar del Río as far as Camagüey. This insect had not previously been reported in America. The connection between these suspicious diseases and the importance of the citrus crop and its development for the Cuban economy hardly needs commenting on. Between them, the two infestations caused expenses and losses amounting to millions of dollars to Cuba, and substantially reduced what it might have earned in foreign currency from its citrus exports.

Rabbit viral disease, also exotic in Cuba, was diagnosed in 1993 in Havana, from where it rapidly spread to other areas. The only previous instance of this disease on the American continent had been reported in Mexico in 1989. The pattern of these outbreaks did not correspond to any normal propagation pattern. Among the economic losses due to the epidemic which could be quantified was the death or destruction of 122,135 animals. The damage caused by the setback to the rabbit breeding programme and consequent loss of a supplementary and alternative source of animal protein in the local diet is much more difficult to quantify.

In February 1995, the coffee borer worm, considered the worst of the coffee pests, was detected in Granma and Santiago de Cuba provinces. The coffee borer is exotic in our country and it is totally implausible to suggest that it appeared in the island naturally. On the contrary, there is ample evidence indicating that it was introduced intentionally and showing how this was done. The infestation is considered to have caused losses in excess of 80 per cent of production. It also caused a serious deterioration in the quality of the bean, with a significant adverse effect on market prices. This meant that the economic costs and losses due to this infestation were very considerable.

The bee disease varroasis was diagnosed in April 1996 in three private-sector apiaries in the municipality of Limonar, Matanzas province. From here it swiftly spread to other regions of the country. A study revealed that the only natural way in which this disease could have entered the country was through the provinces of Pinar del Río or Guantánamo. Given the predominance of easterly winds, it should have spread from east to west, if it spread naturally. In fact, it spread from west to east and many outbreaks were isolated and were not related to earlier ones. The import of products to control the disease, the decline in the output of honey and other bee products, losses from the death of bees and expenditure on quarantine measures have all had a severe economic impact on the sector.

In 1996, the presence was also diagnosed in Zaza reservoir, in the province of Sancti Spiritus, of the ulcerative disease of trout; it spread to other species of

commercial value, such as tilapia. As yet there has been no definitive evaluation of the economic impact of this disease on the aquaculture sector, which is of considerable importance for the country's food production and which Cuba has made a considerable effort to develop as an alternative to marine fishing, which presents difficulties for Cuba, as it does for all countries.

On 21 October 1996, a crop-dusting aircraft of the SR2 model, registration N3093M of the Civil Aircraft Registry of the United States of America, operated by the State Department of that country in its programme against drug production in Colombia, was observed spraying a substance over Cuban territory along the Girón international air corridor, in Matanzas province. The incident was the subject of a protest note from the Ministry of Foreign Affairs. On 18 December 1996, two months later, the first signs were detected in that province of the presence of a thrips plague in potato crops. In January 1997, the same insect was detected in other municipalities of Matanzas and in the province of La Habana. On 14 February 1997, the Central Quarantine Laboratory confirmed that the insect examined was the *Thrips palmi karny*, previously not known in Cuban territory.

Following an analysis of those facts and the findings of subsequent research, it was established that the first areas affected were located close to the Girón air corridor and that, on the basis of the insect population observed in December and the reproduction rate of the species, the beginning of the infestation could be dated to 21 December, namely, the date on which the United States plane had been observed. Given that the vector is present in Haiti, Dominican Republic and Jamaica, one would have expected it — had it appeared naturally in the territory of Cuba — to show up in the eastern area of the country, closest to those countries. Its appearance more than 600 kilometres away from that region was, at the very least, unusual and suspicious. In this case there is good reason to conclude, with a high degree of certainty, that Cuba has yet again been the target of biological aggression.

Since it first appeared in Cuba, *Thrips palmi* has struck 17 crops in the contaminated areas, including potato, beans, peppers, cucumbers and pumpkins. To date, production losses measure some 3 million quintals, and total economic expenditure and losses amount to tens of millions of dollars.

In September 1997, in the municipality of Nueva Paz, La Habana province, the presence of the rice mite was detected. This infestation, which has affected 12 of the country's 14 provinces, is of Asiatic origin and is not found anywhere else in the American continent. The area where it appeared is adjacent to the main national highway and is therefore particularly vulnerable to deliberate introduction. Once again, the emergence of an infestation of this kind coincided with a priority agricultural programme, in this instance, the development of rice production with a view to reducing Cuba's dependence on imports and, eventually, achieving self-sufficiency in this cereal, which forms an essential part of the Cuban diet. The presence of the pest was largely responsible for the drop in the 1998 harvest, which was about half the 1997 level. Overall, the introduction of the rice mite has caused considerable losses to the Cuban economy.

As can be seen, one thing that all these acts of aggression have in common is that they coincided with major national efforts to promote specific production activities. The resulting losses relate not only to the direct destruction of or damage to crops or livestock, but also to the effect of this destruction and damage on the development plans launched in each of the sectors targeted by the aggression.

Practically all the main crops and livestock categories have suffered over the years from the effects of these pests, which had never before been found in Cuba and which had been kept out of the country by the strict phytosanitary control policies systematically applied by the Cuban authorities. In many cases, there is documented evidence of the participation of agents acting with deliberate intent. In some cases it has been explicitly confirmed by those who perpetrated the acts of biological aggression. In many other cases, there is sufficient evidence to establish with almost total certainty that the introduction of these pests was deliberate and formed part of the biological warfare campaign waged against our country by the Government of the United States.

The economic losses caused by the resulting diseases have been enormous. Significant damage has been done to such crops as sugar cane, tobacco, rice, citrus fruit and plantains — virtually all of which are important and some of which are essential. In some cases, the effects have lasted for a number of years and have caused a substantial decline in deliveries of food to the population and in the revenues flowing into the country from the export of such crops as sugar, tobacco, citrus fruit and others.

This biological war is, without any doubt, one of the most perfidious, ruthless and criminal manifestations of the aggressive policy of the United States against the people of Cuba.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (XVI)

Twenty-second: For 40 years, aggression via radio and television has been one of the main tools of US policy against Cuba in its attempt to subvert the internal order, distort the reality of Cuban society and undermine its revolution and the leaders thereof and encourage terrorist actions against sugar cane fields, sugar processing plants, warehouses, tourist centres, oil industry facilities and other economic and social targets and against the lives of Cuban leaders, and to encourage professionals, technicians, intellectuals, artists, sports figures and officials to emigrate.

The most recent and most outrageous example of the effects of this constant incitement to illegal emigration, through the continuation in force of the infamous Cuban Adjustment Act, is the case of Elian González, the six-year-old Cuban child who was kidnapped in the United States and held there arbitrarily by US authorities who bowed to pressure from the most reactionary and anti-Cuban elements of the Cuban-American community in Miami, in flagrant violation of the rights of his father and grandparents resident in Cuba and against the wishes of the entire Cuban people, expressed in massive national demonstrations, and the overwhelming weight of world public opinion.

Radio broadcasts against our country began back in 1959 with Radio Swan, a station situated on the Caribbean island of that name. In 1960, other radio stations in other countries and in the United States joined in these efforts at destabilization which violate the international conventions to which Cuba and the United States are party. At the end of 1961, the Voice of America (VOA), an official organ of the

United States Government, joined in this programme of aggression against the Cuban nation.

Between 1966 and 1980 other short wave pirate radio stations transmitted 3,904 broadcasts against Cuba. In 1980, the so-called Santa Fe Document, the platform of the US far right which supported candidate Ronald Reagan's presidential aspirations, suggested that the broadcasts aimed at the Cuban population, which had been cut back between 1974 and 1979, should be given renewed impetus. In 1981, President Reagan announced the arrival on the air of the inappropriately named Radio Martí. Since then, and even more so following the disappearance of the Soviet Union and the European socialist camp, a major propaganda offensive has been waged against our country; each day, more than 200 hours of radio broadcasts are directed at Cuba and, in January 1999, the weekly average of radio poison came to 1,935 hours. Between 1990 and 1998, there were, in all, 63 subversive radio stations operating against Cuban territory, 60 of them from the United States.

Added to the radio aggression there are the attempts to perpetrate television aggression — first thought of in 1962 — which began in 1989 when the US Senate and Administration approved the arrival on the air of a television station designed for anti-Cuban subversion.

It has taken an extraordinary effort on the part of Cuban technicians and tremendous financial and material resources to tackle this other form of aggression and to neutralize these signals or prevent them from reaching our territory. They are a flagrant violation of international law and international agreements on the subject.

Twenty-third: Cuba, that small blockaded country that is constantly being threatened and assaulted by the mightiest Power in the history of mankind, situated just 90 miles from our coast, has been compelled for the past 40 years to promote its economic and social development while at the same time moving swiftly to strengthen its defence capability, security and internal order in the face of the continuing aggression and terrorist acts encouraged, organized, financed and executed by the United States.

No other nation has ever had so powerful a declared enemy at such close quarters or been the target of so many different aggressive acts, nor has the world ever seen so successful a resistance to so overwhelmingly adverse forces.

These extraordinary conditions to which the Cuban nation has been subjected for 40 years have necessitated a tremendous sacrifice in terms of human, material and financial resources in order to guarantee the country's defence, in keeping with the threats to its very existence as an independent nation, to its identity and national integrity and in keeping with the reality of the thousands of acts of aggression which it has had to endure and resist. As a result of this situation, Cuba has been compelled to spend enormous amounts of money and resources on defence and maintenance of the internal order.

One concrete example is the situation posed by the presence of the US naval base in Guantánamo Bay. Between 1962 and 1998, there were 13,498 provocations and violations originating in the territory occupied by the United States under a treaty that is intrinsically unlawful because of its content and the circumstances in which it was imposed on a Cuban government that was submissive and irresolute. Any one of these acts could have led to a more serious incident. It is only thanks to the preparation, calm and firmness of the members of the Border Brigade, who

throughout the years have looked after the country's free territory that there has been no escalation — which, no doubt — has always been the intent of the US military and political leaders in order to manufacture an incident that could be used as a pretext for greater aggression.

In fact, successive US administrations have sought, since 1959, to take advantage of the position of the Guantánamo naval base within Cuban territory and to convert it into the spearhead in their war against the Cuban Revolution. It has been used in a variety of actions, ranging from mere provocation to plans to attack itself in order to show international public opinion that the United States was justified in stepping up the aggressive acts against Cuba. Guantánamo naval base is a centre for radio-electronic espionage and for acts of provocation and violations that may degenerate into armed confrontation, and it is also a stronghold in the event of an invasion.

Not only are there forces and equipment permanently stationed in that facility, on pretext of training activities, but the base has been strengthened at various times and there have been several attempts to get rid of the civilian personnel. The following have taken place in the last 10 years alone:

In 1990, at a time when tension was high because of the Global Shield-90 and Solid Shield-90 exercises, US armed forces carried out the Defex-1/90 defensive exercise thereby compelling the Revolutionary Armed Forces (FAR) to carry out the Cuban Shield exercise.

In 1993, some 2,000 troops from the Marine Infantry and Special Operations Forces were added to the naval base, the pretext being the situation in Haiti.

Starting on 18 May 1994, at a time when the number of Haitians fleeing to the United States was soaring, an immigrant processing centre was set up on the base and the number of Haitians housed on the base reached 25,000. The Joint Task Force 160 (JTF-160), consisting of 1,500 military troops, was activated at the same time.

In view of the increase in the number of people leaving Cuba illegally for the United States during the summer of 1994, on 19 August, President Clinton ordered that all Cuban would-be immigrants intercepted in the Florida Straits should be transferred to the base. A total of 31, 725 Cuban immigrants were processed at that facility. Some 6,896 military troops were brought in as reinforcements for that purpose.

On 13 August 1961, a plan to attack Cuba, prepared in the Guantánamo naval base itself, was discovered; the plan called for the assassination of Commander Raul Castro and an attack on positions of the Revolutionary Armed Forces.

Terrorists and saboteurs have often taken refuge in the territory occupied by the US forces. During the 1960s, aircraft from the base carried out serious acts of sabotage and terrorism, including dropping bombs or burning fields of sugar cane. The US facility has also served as a base for operations by spies, infiltrators, saboteurs and terrorists. Many of the gangs of mercenaries that used to operate in the former Oriente province received support from the territory occupied by the naval base.

This situation of continuing provocations, constant threats and frequent acts of aggression compelled Cuba to take defensive measures around the territory occupied by the United States, causing it to spend far more than it would have had to do had

the circumstances been different; indeed, but for the presence of the naval base, it would not have had to have any defensive measures.

The use by the United States of military exercises by its armed forces around Cuba as an instrument of provocation and threat has been another reason for maintaining a special level of preparedness and combat readiness. Between 1964 and the present, US armed forces have conducted a total of 104 major military exercises around Cuba or in areas close to Cuban territory or that have in some way represented a danger to our country. Among the most significant it is worth mentioning the Defex exercises which took place at Guantánamo naval base in the 1960s and early 1970s; the Reinforcex manoeuvre of 1979, carried out as a show of force when it looked as though there might be a strengthening of the Soviet military presence in Cuba; the Ocean Venture exercises — particularly those of 1981 — the largest manoeuvre carried out by US armed forces since the Second World War; the Solid Shield manoeuvres, particularly those carried out in 1980 and 1987 and, more recently, the Bulwark Bronze exercise in September 1996 in the Gulf of Mexico and the East coast of the United States, in which there were simulated air strikes against Cuba; the Purple Dragon manoeuvre, in which 33,000 troops participated between January and February 1998, which consisted of landings by air and amphibian vehicles on an island having characteristics similar to those of Cuba, and the combined naval exercise carried out in August 1998 with the participation of troops from the United States and several Latin American countries, the strategic aim of which was the invasion of a Caribbean island headed by a "Marxist dictator".

Secret United States documents, now declassified, confirm beyond a doubt that the continued goal of United States political and military strategy is to help create conditions favourable to the solution of its "Cuban problem" through direct military intervention by United States armed forces in Cuba.

The main strategy has been to frustrate these goals of direct military aggression by maintaining the potential for an effective armed response with the participation of all the people, and developing a readiness to fight military invasion so as to ensure that the cost to the invaders would be so high as to discourage direct aggression. Given the limited economic resources available, this means training everyone and giving them with weapons so as to deter any invader from seeking to occupy our country.

In line with this strategy, at the start of the 1980s we established the conditions for applying the concepts of the "war of all the people" and were therefore able to reduce the regular armed forces, thereby saving resources. Nevertheless, the effort needed to train millions of men and women each year and maintain the people's combat readiness and the need to build costly shelters and other fortifications for the protection of the civilian population and the combatants — to which special attention has had to be given because of the dramatic technological development achieved by the United States in the military sphere — have made it necessary to invest considerable material resources.

The heavy spending on the military, security and the internal order as a result of the systematic policy of aggression pursued by the United States Government and its agents has been for such things as armaments, military technology, special technology and other equipment, preparation, training and mobilization expenses, salary of permanent staff and those mobilized, food, clothing, medical and other expenses of the staff, operating costs, investment in military facilities, expenses

involved in the preparation of military theatres of operation and in the interest of protecting the population.

The injuries and material damage caused by terrorist actions and military and biological aggressions carried out by the United States against our people over the past 40 years, both in Cuba and abroad, by far exceed the facts outlined in this claim. To this must be added the substantial resources the country has had to spend on maintaining defence capacity, security and internal order in order to defend itself from the systematic aggressions and threats of intervention directed by the United States Government.

The facts underlying this submission are irrefutable proof of the cynicism of this policy and of its genocidal and terrorist nature against a people that will never give up its independence and self-determination.

A preliminary estimate of the total amounts spent because of this aggressive policy, not including the blockade and economic war, comes to over 54 billion United States dollars.

According to the principles and practice of international law, a State shall be liable for damage caused by its own conduct and actions — whether legislative, administrative or judicial — by the conduct and actions of its agents and officials, and even of individuals, if the appropriate organs of the State in question fail to take reasonable steps to prevent or put a stop thereto. Consequently, the State assumes civil liability for such acts and is duty bound to repair the damage resulting therefrom.

Claim of the people of Cuba against the Government of the United States for economic damage to Cuba (XVII and final)

This claim is based also on the following:

Grounds of law

1. Article 1 of the Constitution of the Republic of Cuba, which contains the political, social and economic foundations of the State, guaranteeing the enjoyment of political freedom, social justice, individual and collective welfare and human solidarity, all of which have clearly been affected by the wrongful acts described in the body of this submission.

2. Article 12 of the Constitution of the Republic of Cuba, in that the defendant's illegal actions have undermined the principles of independence and sovereignty of the people and the right to self-determination.

3. Article 14 of the Constitution of the Republic of Cuba, which states that the economic system is based on the socialist ownership by all the people of the basic means of production, so all the transgressions committed by the defendant affect the people we represent.

4. Chapter VII of the Constitution of the Republic of Cuba, relating to the fundamental rights, duties and guarantees of citizens, which have clearly been

affected by the economic, trade and financial blockade imposed by the Government of the United States and the various forms of aggression committed against Cuba.

5. Article 6, paragraph 1, of the Law on Civil, Administrative and Labour Procedure, as to the competency of the People's Provincial Tribunal to hear this case on account of the substance and the size of the claim.

6. Article 8, in connection with Article 10, paragraph 1, of the Law on Civil, Administrative and Labour Procedure as to the competency of the Tribunal which we are addressing on account of location.

7. Article 146 of the Law on Civil, Administrative and Labour Procedure, which establishes that the judgement must be consistent with the plaintiff's claims.

8. Articles 223 et seq. of the Law on Civil, Administrative and Labour Procedure as to the handling of the ordinary proceedings, the subjects dealt with therein, the requirements of the claim and of the accompanying documents.

9. Article 229, in connection also with Articles 230 and 170, of the Law on Civil, Administrative and Labour Procedure, as to summoning the defendant via letters rogatory sent through the Ministry of External Relations of Cuba.

10. Article 16 of the Civil Code, as to the fact that the law which is applicable is Cuban National Law, for the actions giving rise to this claim took place in the national territory of the Republic of Cuba or on Cuban ships and aircraft, diplomatic premises and in other buildings belonging to the Cuban State.

11. Articles 39, paragraphs 1 and 2 (c), 40, 41 and 42 of the Civil Code, in connection with Article 64 of the Law on Civil, Administrative and Labour Procedure, and Article 7 of the Constitution of the Republic of Cuba, which authorize those listed in the heading of the claim, in their capacity as President, National Coordinator or Secretary General, as the case may be, to instigate these proceedings on behalf of the legal persons they represent as executive heads of these organizations, which, in turn, represent the specific interests of their members.

12. Articles 81 and 82 of the Civil Code, whereby actions causing damage or injury to others are considered wrongful acts, and the obligation of the perpetrator to provide compensation for such damage, Article 83, paragraphs (b) and (c), stating that compensation shall comprise reparation for material damage and for the injury sustained, and Article 111, paragraph (d), which establishes the obligation to provide compensation as a means of safeguarding civil rights; all these are in connection with Article 47, paragraph (c), of the body of law itself on the grounds that give rise to the legal account.

13. Articles 85 and 86, paragraphs (d), (e) and (f), of the Civil Code, which establish that reparation for material damage comprises payment of the value of the asset whose restitution is not possible or of the damage thereto including, as indemnity for injuries, loss of other income or benefits, any other payment made by the victim, his family members or any other person, as a result of the wrongful act, and, in the case of damage to the environment, the costs necessary for its total rehabilitation, in connection with Article 87, paragraph (c), of the Civil Code itself.

14. Article 95 of the above-mentioned Fundamental Law, as to the fact that legal persons have an obligation to pay compensation for damages and injuries caused to others by the commission of wrongful acts.

15. The First Transitional Provision of the Civil Code, as to the fact that the regulations of the Civil Code currently in force and to which reference has been made are the result of applying to the content of this claim in its entirety, in view of the fact that obligatory legal relations established under the previous legislation remain valid while the effects they have after the present Civil Code comes into force are addressed by the provisions of the latter.

16. The basis on which we signatories represent the case lies in Article 414 of the Civil Code.

Specific claim filed:

That the Government of the United States of America be declared responsible in civil law for the wrongful acts committed against Cuba, and that the said Government be ordered to pay reparations and provide compensation to the Cuban people in the amount of **US$ 121 billion** for the damage and injury caused to the said people by those acts.

Therefore

May it please the Court to: Know that now that we have submitted this written statement with its copies and documents justifying the representation and the law we are invoking, we should like to be considered as the authorized persons and the parties on whose behalf we are appearing, and therefore subsequent procedures and notifications of proceedings should be addressed to us;

Accept as established this claim in ORDINARY PROCEEDINGS concerning Civil Responsibility for Damages and Compensation for Injuries deriving from Wrongful Acts against the Cuban People;

Set a deadline for the defendant to come and respond to the claim by serving him with a summons via letters rogatory and, subsequently, following the usual procedures, declare the claim admissible and, consequently, rule that the Government of the United States of America is responsible in civil law for the wrongful acts committed against Cuba and order it to pay reparation and compensation to the Cuban people in the amount of **US$ 121 billion** for the damages and injuries caused to the said people.

SECONDARY CLAIM: We call on the Court, in accordance with the provisions of Article 170 of the Law on Civil, Administrative and Labour Procedure, to instruct the Ministry of External Relations of the Republic of Cuba to implement the summons procedure.

Havana, 3 January 2000

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